



AGENDA

Jefferson County Planning Commission

Tuesday, December 09, 2014, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

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

1. Approval of the minutes from the following Planning Commission Meetings:
 - October 14, 2014
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. Review and approval of the 2015 Planning Commission schedule.
5. Review and Adoption of "Procedures for Small Boards" from Robert's Rules of Order, Newly Revised, 1970.
6. Public Workshop: Concept Plan Review for Fellowship Bible Church (File# S14-03). This property is located at **160 Daniel Road**, in Shenandoah Junction. The Concept Plan includes multiple phases. Phase 1 includes the construction of a maintenance building, new pavilion, outdoor stage, new restrooms, parking areas, roads, worship/multi-purpose building and improvements to the softball field with fencing, dugouts, lights grandstands, soccer fields, basketball courts, to place modular classrooms as approved by various BZA waivers with decking and to construct the utilities, appurtenances, earth moving and storm-water facilities as needed for the proposed improvements. The applicant seeks review and comments on the improvements shown as Phase 1 on Sheet 3 (to process as a minor site plan), Phase 2 on Sheet 4 (to process as a major site plan), and Phase 3 on Sheet 5 (long term future planning, to process as a major site plan) on the accompanying Concept Plan. The improvements for. The property is designated as Tax District: Charles Town (02); Tax Map: 03; Parcel 4.5; Zoned: Rural; Size: 50.79 Ac.
7. Public Hearing: Request by applicant Matt and Laura Knott, River Riders, LLC., (File #PCW14-04 for a waiver from Appendix B, Sections 2.5.1; Table 2.2-1; 9.4.E; Section 9.3 (generally); and Section 9.4A (generally) of the Jefferson County Subdivision and Land Development Regulations. The applicant is requesting the following waivers: 1) To allow the grade to exceed 8% or 9 % (depending on which section of the Ordinance will apply) in limited areas as shown on the attached plat; and 2) To allow Reveille Road to remain "as is" for the existing purpose and for limited non-public access. This property is located at 408 Alstadts Hill Road and is designated as Tax District: Harpers Ferry (04); Tax Map 7, Parcel 10 and 10.1 and Tax Map 9; Parcels 61, 62, 63, 63.1, 66.1, 69, 70, 71, 72, 73, 74 & 75.

There is no public comment for the remaining items.

8. Petition by David N. Slusher for a Zoning Map Amendment to the Planning Commission for the purpose of scheduling a public hearing within 60 days. (File# Z14-02) in accordance with Section 12.3A of the Jefferson County Zoning and Land Development Ordinance. This property is currently zoned Rural (R) and the applicant is requesting General Commercial (GC) zoning. The property is located on the southwest corner of the Route 340/Straithmore Farm Lane/Wheatland Road intersection. District: Kabletown (06) Tax Map 11, Parcel 3.2.

9. Comprehensive Plan Review/Discussion/Action (if necessary)
10. Reports from Legal Counsel and legal advice to the Planning Commission.
 - Active Litigation:
 - Far Away Farms
11. Director's Report.
 - Reducing Regulatory Barriers
12. Planning Commission Exchange and Liaison Reports:
 - County Commission
 - Health Department
 - Public Service District
 - Parks and Recreation
 - Jefferson County Development Authority
 - Water Advisory Committee
 - Planning Commission Exchange
13. President's Report.
14. Actionable Correspondence.
15. Non-Actionable Correspondence.
16. Signing of approved Motions from previous Planning Commission meetings.

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

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

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

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

Draft Minutes

Jefferson County Planning Commission

October 14, 2014

The Jefferson County Planning Commission met on October 14, 2014, with the following Commission members present: Stephen Stolipher, President; Wade Louthan, Vice President; Gary Phalen, Peter Fricke, Mike Chapman, Dick Childs, and Dale Manuel. Staff members present included Jennifer Brockman, Director of Planning and Zoning; and Alexandra Beaulieu, Office/Project Manager.

Mr. Gene Taylor and Mr. Donnie Fisher were absent with notice.

Mr. Stolipher called the meeting to order at 7:06 PM.

1. Approval of the minutes from the **September 9, 2014** Planning Commission Meeting.

Mr. Manuel motioned to approve the minutes.

Mr. Phalen seconded the motion, which carried unanimously.

2. Citizen Communications. None.

3. Request for postponement. None.

4. Discussion and possible recommendation on the Planning Commission's redlined revisions to the draft Envision Jefferson 2035 Comprehensive Plan.

Mr. Fricke made the following recommendations regarding the draft Comprehensive Plan:

- On Page 119, Transportation Recommendation 7.b: add Norfolk Southern so the recommendation would read: "Collaborate with CSX *and Norfolk Southern* to allow pedestrian/bike trails to be constructed within railroad rights-of-way for potential bike/pedestrian trails."

Ms. Brockman asked if this addition should be made throughout the document regarding any reference to CSX.

Mr. Fricke clarified that yes, Norfolk Southern should be included with any references to CSX throughout the document.

- On page 169, under **Lunch and Learn Presenting Organizations**, add *Jefferson County Farmland Protection Board*.

Mr. Fricke motioned to recommend the Planning Commission's redlined version of the draft Envision Jefferson 2035 Comprehensive Plan with the above referenced additions to the County Commission for review and consideration.

Mr. Louthan seconded the motion, which carried unanimously.

5. Robert's Rules of Order and Ethics Training.

Mr. Stolipher requested that staff email a reminder regarding the training scheduled for November 5, 2014.

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

7. Director's Report.

Ms. Brockman reviewed the current status of the Comprehensive Plan and informed the Planning Commission that in anticipation of the Plan being forwarded to the County Commission today, the County Commission scheduled a joint workshop for October 30, 2014 at 7:00 p.m. with the

Planning Commission to review and discuss the redlined version. Ms. Brockman also stated that a Public Hearing had been scheduled for November 6, 2014 at 7:00 p.m. She noted that all Planning commission members were encouraged to attend the October 30th Workshop.

8. Planning Commission Exchange and Liaison Reports:

- Jefferson County Development Authority: Mr. Stolipher stated that the Coast Guard Grand Opening was successful.

Mr. Fricke stated that he recently attended the Historic Landmarks Committee and was asked whether the Planning Commission would consider sending a representative to attend the meetings regularly.

Mr. Stolipher stated that the Health Department and Public Service District meetings needed Planning Commission liaisons as well.

9. President's Report.

Mr. Stolipher scheduled a stakeholders workshop for December 12, 2014 at 3:00 PM. He added that he would like to hold these meetings regularly throughout the year to provide an opportunity for stakeholders to gain better understanding about the County's regulations.

10. Actionable Correspondence. None.

11. Non-Actionable Correspondence. None.

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

Mr. Manuel motioned to adjourn the meeting at 7:26 PM.

Mr. Phalen seconded the motion, which carried unanimously.

This information is
Tab # 4 of your binder



JEFFERSON COUNTY, WEST VIRGINIA

Department of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, West Virginia 25414

Phone: 304-728-3228

Fax: 304-728-8126

Email: planning_department@jeffersoncountywv.org

2015 MEETING SCHEDULE JEFFERSON COUNTY PLANNING COMMISSION

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 at 7:00 PM.

Regular Meetings

January 13, 2015

February 10, 2015

March 10, 2015

April 14, 2015

May 12, 2015

June 9, 2015

July 14, 2015

August 11, 2015

September 8, 2015

October 13, 2015

November 10, 2015

December 8, 2015

Tentative Meetings*

January 27, 2015

February 24, 2015

March 24, 2015

April 28, 2015

May 26, 2015

June 23, 2015

July 28, 2015

August 25, 2015

September 22, 2015

October 27, 2015

November 24, 2015

December 22, 2015

*Tentative meetings are held if necessary to conduct Commission business or to meet required deadlines.

Such meeting can be called by the President of the Commission or by a majority vote of the Planning Commission.

Changes in the time or location of the meeting shall be noticed on the County's website at www.jeffersoncountywv.org.

Note: If County offices have been closed due to inclement weather, or if weather conditions make travel unsafe for the public, the Planning Commission meeting may be cancelled. Please check the County's website for possible meeting updates during this time. Thank you.

This information is
Tab # 5 of your binder

Robert's Rules of Order



Presented By

John J. Sorrenti
jsorrenti5@comcast.net

West Virginia State Auditor's Office
Glen B. Gainer III, State Auditor
wvsao.gov

**WHAT IS PARLIAMENTARY
PROCEDURE?**

**IT IS A SET OF RULES FOR THE
CONDUCT OF MEETINGS THAT
ALLOWS EVERYONE TO BE HEARD
AND TO MAKE DECISIONS
WITHOUT CONFUSION.**

Simplified Rules of Order

Principles of Parliamentary Procedure

1. The purpose of parliamentary procedure is to make it easier for people to work together effectively and to help groups accomplish their purposes. Rules of procedure should assist a meeting, not inhibit it.
2. A meeting can deal with only one matter at a time. The various kinds of motions have therefore been assigned an order of precedence.
3. All members have equal rights, privileges and obligations. One of the chairperson's main responsibilities is to use the authority of the chair to ensure that all people attending a meeting are treated equally – for example, not to permit a vocal few to dominate the debates.
4. A majority vote decides an issue. In any group, each member agrees to be governed by the vote of the majority. Parliamentary rules enable a meeting to determine the will of the majority of those attending a meeting.
5. The rights of the minority must be protected at all times. Although the ultimate decision rests with a majority, all members have such basic rights as the right to be heard and the right to oppose. The rights of all members – majority and minority – should be the concern of every member, for a person may be in a majority on one question, but in the minority on the next.
6. Every matter presented for decision should be discussed fully. The right of every member to speak on any issue is as important as each member's right to vote.
7. Every member has the right to understand the meaning of any question presented to a meeting, and to know what effect a decision will have. A member always has the right to request information on any motion he or she does not thoroughly understand. Moreover, all meetings must be characterized by fairness and by good faith. Parliamentary strategy is the art of using procedure legitimately to support or defeat a proposal.

Simplified Rules of Order

Sample Order of Business

Here is the sample order of business for a regular business meeting. It is not intended that this is the final word on how an agenda should be presented. Each chairperson should follow an order that is satisfactory to him or her and to the organization.

The Order of Business

The chairperson of a meeting should prepare in advance a list of the order of business or an agenda for the meeting. A sample order of business follows:

1. Preliminaries
2. Call to Order
3. Minutes
4. Treasurer's Report
5. Correspondence (listed)
6. Unfinished Business
7. Committee Reports
8. New Business
9. Announcements
10. Adjournment

Excerpt From Robert's Rules of Order Newly Revised

Procedure in Small Boards (15 or less members)

- Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
- Motions need not be seconded.
person who 2nd not required to be in minutes.
- There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
- Informal discussion of a subject is permitted while no motion is pending.
- The chairperson need not rise while putting questions to vote.
- The chairperson can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly allowed regardless of how many members are present), the chair usually can make motions and usually votes on all questions.

Robert's 405-406

Robert, Sarah Corbin, Robert's Rules of Order Newly Revised, Glenview, Illinois: Scott, Foresman and Company, 1970.

Simplified Rules of Order

Conducting Commission Meetings

1. The President calls the meeting to order and follows the order of the agenda.
2. The agenda may be prepared by the President or a secretary.
3. The County Clerk takes and is in charge of the minutes.
4. Motions do not need a second.
5. There is no limit on debate.
6. Informal discussion is permitted while no motion is pending.
7. The presiding officer can take motions, discuss motions, and should vote on all questions.
8. Voting is done by a show of hands or voice vote.
9. A member should disqualify himself or herself from voting where there is a conflict of interest or an ethical question involved, in the item of business before the commission.

Simplified Rules of Order

Minutes

What to Include in Minutes

1. Name of the organization, date, time, place of meeting, regular, special or adjourned.
2. The presence of the regular presiding officer and the secretary, or the name of their substitutes.
3. What action was taken on the minutes of the previous meeting (approved or corrected).
4. Body of minutes contains the fact that the report of officers, board, standing and special committees were given, and what action was taken.
5. All the final wording of all main motions with amendments incorporated, any motion to rescind, what happened to each motion – was it adopted, lost, or temporarily disposed of, but not if it is withdrawn.
6. The name of the maker of the motion is included but not the person who seconds the motion.
7. Announcements: For example, any previous notice of bylaw changes, or any motion to be made at a later meeting or if the meeting time or place is different for each meeting.
8. Last paragraph contains hour of adjournment.
9. Minutes are closed with signature and title of person who took the minutes.
10. Nothing is erased from the minutes. Corrections are made in the margin. If material is expunged, a line is drawn through the words that are to be expunged.
11. When minutes are approved, the word “approved” and the secretary’s initials and date of their approval are written below the minutes.

**I
MOVE
THAT.....**

Simplified Rules of Order

Motions That Bring a Question Again

Take From the Table

Before a meeting can consider a matter that has been tabled, a member must move:

“That the question concerning _____ be taken from the table.” Such a motion may not interrupt another speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered, and requires a majority vote.

If a motion to take from the table passes, the meeting resumes debate on the original question (or any amendments to it). If a considerable period of time has elapsed since the matter was tabled, it is often helpful for the first speaker to review the previous debate before proceeding to make any new points.

Reconsider - only person who can do this is someone who voted no on that item.

Rescind - notice must given to do this. public notice

Simplified Rules of Order

Incidental Motions

Point of Order

This motion permits a member to draw the chair's attention to what he/she believes to be an error in procedure or a lack of decorum in debate. The member will rise and say: "I rise to a point of order," or simply "Point of order". The chair should recognize the member, who will then state the point of order. The effect is to require the chair to make an immediate ruling on the question involved. The chair will usually give his/her reasons for making the ruling. If the ruling is thought to be wrong, the chair can be challenged.

A point of order can interrupt another speaker, does not require a second, is not debatable, is not amendable, and cannot be reconsidered.

Simplified Rules of Order

Privileged Motions

Recess

A member can propose a short intermission in a meeting even while business is pending, by moving to recess for a specified length of time.

A motion to take a recess may not interrupt another speaker, must be seconded, is not debatable, can be amended (for example, to change the length of the recess), cannot be reconsidered, and requires a majority vote.

Question or Point of Privilege

If a situation is affecting the comfort, convenience, integrity, rights or privileges of a meeting or of an individual member (for example, noise, inadequate ventilation, introduction of a confidential subject in the presence of guests, etc.), a member can *raise a point of privilege*, which permits him/her to interrupt pending business to make an urgent statement, request or motion. (If a motion is made, it must be seconded.) The motion might also concern the reputation of a member, a group of members, the assembly, or the association as a whole.

If the matter is not simple enough to be taken care of informally, the chair rules as to whether it is admitted as a question of privilege and whether it requires consideration before the pending business is resumed.

A point of privilege may also be used to seek permission of the meeting to present a motion of an urgent nature.

Simplified Rules of Order

Procedures Used in Meetings

Subsidiary Motions

Amend

An *amendment* is a motion to change, to add words to, or omit words from, an original motion. The change is usually to clarify or improve the wording of the original motion and must, of course be related to that motion.

An amendment cannot interrupt another speaker, must be seconded, is debatable, may itself be amended by an *amendment to the amendment*, can be reconsidered, and requires a majority vote.

The chair should allow full discussion of the amendment (being careful to restrict debate to the amendment, not the original motion) and take a vote on the amendment only, making sure everyone understands the vote is not on the main motion.

If the amendment is defeated, another amendment may be proposed, or discussion proceeds on the original motion.

An amendment to an amendment is a motion to change, to add words to, or omit words from the first amendment. This motion cannot be amended.

Sometimes a main motion is worded poorly, and several amendments may be presented to improve the wording. In such cases it is sometimes better to have a substitute motion rather than try to solve the wording problem with amendments.

Simplified Rules of Order

Procedures Used in Meetings

Debate on Motions

Technically, a meeting should not consider any matter unless it has been placed before the meeting in the form of a motion. In practice, however, it is sometimes advantageous to permit limited discussion of a general topic before the motion is introduced. This discussion can sometimes lead to a properly worded motion that will indicate exactly what the group wants to do. This departure from strict parliamentary procedure must be used with caution. The chair must be careful not to let the meeting get out of control.

Normally, a member may speak only once on the same question, except for the mover of the motion, who has the privilege of "closing" the debate. If an important part of a member's speech has been misinterpreted by a later speaker, the first speaker might speak again for clarification, but no new material should be introduced.

The member who made the motion claims the floor, even though he or she has already spoken on the question, the member is entitled to be recognized before other members.

The mover of a motion may not speak against his or her own motion, although the mover may vote against it. The mover need not speak at all, but when speaking, it must be in favor of the motion. If during the debate, the mover changes his or her mind, he or she can inform the meeting of the fact by asking the meetings permission to withdraw the motion.

Order of Precedence of Motions

Rank	Motion	May interrupt Speaker	Second Required	Debatable	Amendable	May be reconsidered	Majority required	2/3 majority required
1.	Fix time to adjourn		X		X	X	X	
2.	Adjourn		X				X	
3.	Recess		X		X		X	
4.	Question of privilege	X	X ¹	X	X	X	X	
5.	Orders of the day	X						X ²
6.	Table		X				X	
7.	Previous Question		X			X ³		X
8.	Limit/extend limits of debate		X		X			
9.	Postpone to a certain time		X	X ⁴		X	X ⁵	X ⁵
10.	Refer		X	X ⁶	X	X ⁷	X	
11.	Amend		X	X	X ⁸	X	X	X ⁹
12.	Postpone indefinitely		X	X		X ¹⁰	X	
13.	Main position		X	X	X	X	X	

Privileged motions

Subsidiary motions

This information is
Tab # 6 of your binder

STAFF REPORT

Jefferson County Planning Commission Meeting

December 09, 2014

	<ul style="list-style-type: none">• August 18, 2011 – Variance granted to allow for the installation of one additional modular classroom without the requirement of a Site Plan (ZV11-22).• September 16, 2010 – Variance granted to allow for the installation of two temporary modular classrooms for use until construction of Phase II expansion is complete (File # ZV10-18).
PRIOR CASES	<ul style="list-style-type: none">• 05/23/00: PC approval Final Plat (#00-10)• 06/30/05: PC Community Impact Statement approval (#05-20)• 09/25/01: PC approval (#S01-08)• 09/27/05: PC approval (#S04-20)

1. Summary of Request

Public Workshop: Concept Plan Review for Fellowship Bible Church (File# S14-03). The 50.79 acre property is zoned Rural. The Concept Plan includes multiple phases:

- Phase 1 includes the construction of a maintenance building, removal of C-Containers, construction of new/larger pavilion, outdoor stage, new restrooms, additional gravel parking areas (totaling 234 parking spaces), roads, worship/multi-purpose building, and improvements to the softball field with fencing, dugouts, lights, grandstands, soccer fields, basketball courts, to place four additional modular classrooms as approved by various BZA waivers with decking, and to construct the utilities, appurtenances, earth moving and storm-water facilities as needed for the proposed improvements. The total of the additional buildings is 19,512 square feet.
- Phase 2 includes the construction of an additional driveway onto Daniel Road for an additional exit and entrance for the church; construction of a 27,308 square foot Multi-Purpose Worship Building which can seat 700 people; and relocation of Playground Area.
- Phase 3 is a long-term planning tool and includes building an Educational Wing on to the Church; Building a 1,000 person capacity, 41,390 square foot Worship Center; remove and/or relocate all modular units; pave gravel parking lot (93 spaces) and add parking (350 paved spaces) and vehicular access; construct Creation Center, Educational Learning Center, and Missionary Housing. Phase 3 includes a total additional square footage of approximately 94,000 sq. ft.
- The applicant seeks review and comments on the Concept Plan which reflects all improvements shown in these three phases. Each will require the further processing of a Site Plan. Phase 1 on Sheet 3 will be able to process as a minor site plan. Phase 2 on Sheet 4 will process as a major site plan, requiring an additional Public Hearing at that time. Phase 3 on Sheet 5 is for long term future planning purposes and will also process as a major site plan, requiring an additional Public Hearing in the future.

2. Site Plan Category

This site plan associated with this Concept Plan is governed by the amended Subdivision Regulations, which amended the square foot threshold that defines a Minor Site Plan or Major Site Plan. The amended definition allows all site plans with a building area of less than 5,000 square feet to process

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December 09, 2014

administratively; requires site plans with a building area between 5,000 and 50,000 square feet to submit a Concept Plan and then process as a Minor Site Plan; and requires all site plans with building area above 50,000 square feet to process as a Major Site Plan.

Additionally, the Subdivision and Land Development Regulations further defines Minor Site Developments as “those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure.” Because this Site currently contains structures totaling 23,368 square feet, all new construction results in a property with structures totaling greater than 5,000 square feet. Therefore, this Concept Plan is required. The first Phase results in existing and new structures totaling less than 50,000 square feet and will therefore be able to process as a Minor Site Plan after the Concept Plan Public Workshop. All future phases will include structures totaling greater than 50,000 square feet and will therefore be required to process as a Major Site Plan, which includes a Concept Plan, public workshop, and site plan public hearing.

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

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

Required Item from Section 24.116 (A-J)	Description	Status
B. Submission Contents.	The submission shall contain the following elements:	
1. General location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> .	Provided
3. Zoning Information	This shall include: <ul style="list-style-type: none"> a) Determination of the zoning district in which the proposed subdivision or development project is situated. b) Density calculations. c) Site resource map. 	Provided
4. Proposal Description	This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided on the Concept Plan sheets by Phase

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<p>5. Traffic Impact Data</p>	<p>This shall include:</p> <ul style="list-style-type: none"> a) Average Daily Trip figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project. 	<p>10/1/14 Letter to WV DOH with relevant data provided; 10/27/14 e-mail from Larry Alt stating no work is required for Phase 1 and detailing what WV DOH requires for Phase 2 (attached)</p>
<p>6. Trip Generation</p>	<p>In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.</p>	<p>See 10/27/14 e-mail from Larry Alt referenced above.</p>
<p>7. Agency Reviews</p>	<p>The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the schedule public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after the review. Reviewing agencies are found in Section 23.203 and 23.204. Applicant shall provide copy of letters sent to outside agencies to the Departments of Planning and Zoning within 7 days of submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.</p>	<p>Letters to required agencies provided; responses received from JC PSD, JC HLC, WV DOH – see comments below</p>
<p>8. Other Data</p>	<p>Any other data or information the applicant believes will assist in the review.</p>	<p>Provided</p>
<p>9. Other Reviews</p>	<p>Any other staff or agency reviews of the plans.</p>	<p>Provided</p>
<p>C. Review Content</p>	<p>The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.</p>	<p>See below</p>
<p>D. Department</p>	<p>The Department review shall include the following:</p> <ol style="list-style-type: none"> 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning 	<p>Staff has determined that the requirements of the Zoning and Land Development Ordinance and Subdivision and Land Development</p>

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	<p>issues the developer shall address in a preliminary plat submittal.</p> <p>2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.</p>	Regulations are met in the proposed Concept Plan.
E. WVDOH	When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.	See 10/27/14 e-mail from Larry Alt referenced above.
5F. Traffic Impact	The review shall indicate whether the traffic impact study follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact	See 10/27/14 e-mail from Larry Alt referenced above.
G. Public Service	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	The Jefferson County Public Service District has submitted a letter (attached).
H. Recommended Conditions	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	
I. Approval	Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete.
J. Effect	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop at least fourteen (14) days in advance of the meeting and the applicant shall post notice on the property.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

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December 09, 2014

4. External Agency Reviews

The Jefferson County Public Service District has provided a letter (included in the Planning Commission packet) noting the District does not have wastewater sewer lines close to the Fellowship Bible Church.

The WV DOH has provided an e-mail (included in the Planning Commission packet) from Larry Alt stating no work is required for Phase 1 and detailing what is required for Phase 2.

The Historic Landmark Commission has provided a letter (included in the Planning Commission Packet) stating that there are no listed County Historic Resources on the development parcel and the proposed development does not extend beyond the current parcel boundaries

No other external agencies have responded.

5. Staff Recommendation related to Concept Plan

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

Based on the Subdivision Regulations, noted above, the first phase of the site plan will process as a Minor Site Plan; Phases 2 and 3 will process as Major Site Plans.

6. Planning Commission Direction

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

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

Following the applicant’s presentation, staff’s explanation and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Site Plan Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public hearing takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public hearing is closed.

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

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

It should be noted that the direction provided to the applicant in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the

STAFF REPORT

Jefferson County Planning Commission Meeting

December 09, 2014

Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.



Concept Planning

JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

Charles Town, West Virginia 25414

File Number: **514-03**

Staff Initials: _____

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

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

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

Concept Plan

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

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

**Return to Jefferson County
Office of Planning
Zoning & Engineering**

Property Owner Information

Name: Trustees of Fellowship Bible Church
Mailing Address: 160 Daniel Road
City: Shenandoah Junction State: WV Zip Code: 25442
Phone Number: 304-728-3700 Email: fbcmil@fellowshipwv.org

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

Name: Carl Bert & Associates, c/o Gary A. Frey, P.S.
Mailing Address: Newberry Executive Center 142 North Queen Street
City: Martinsburg State: WV Zip Code: 25401
Phone Number: 304-596-2430 Email: gfrey@carlbertassociates.com

Physical Property Details

Physical Address: 160 Daniel Road
City: Shenandoah Junction State: WV Zip Code: 25422
Tax District: Charles Town Map No: 3 Parcel No: 4.5
Parcel Size: 50.79 acres Deed Book: 922 Page No: 338 (less DB 938/

Zoning District (please check one)

RECEIVED

SEP 30 2014

RETURNED TO
Carl Bert Assoc.

DATE 10/16/2014

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)

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

[Handwritten Signature]

9/30/14

Signature of Property Owner

Date

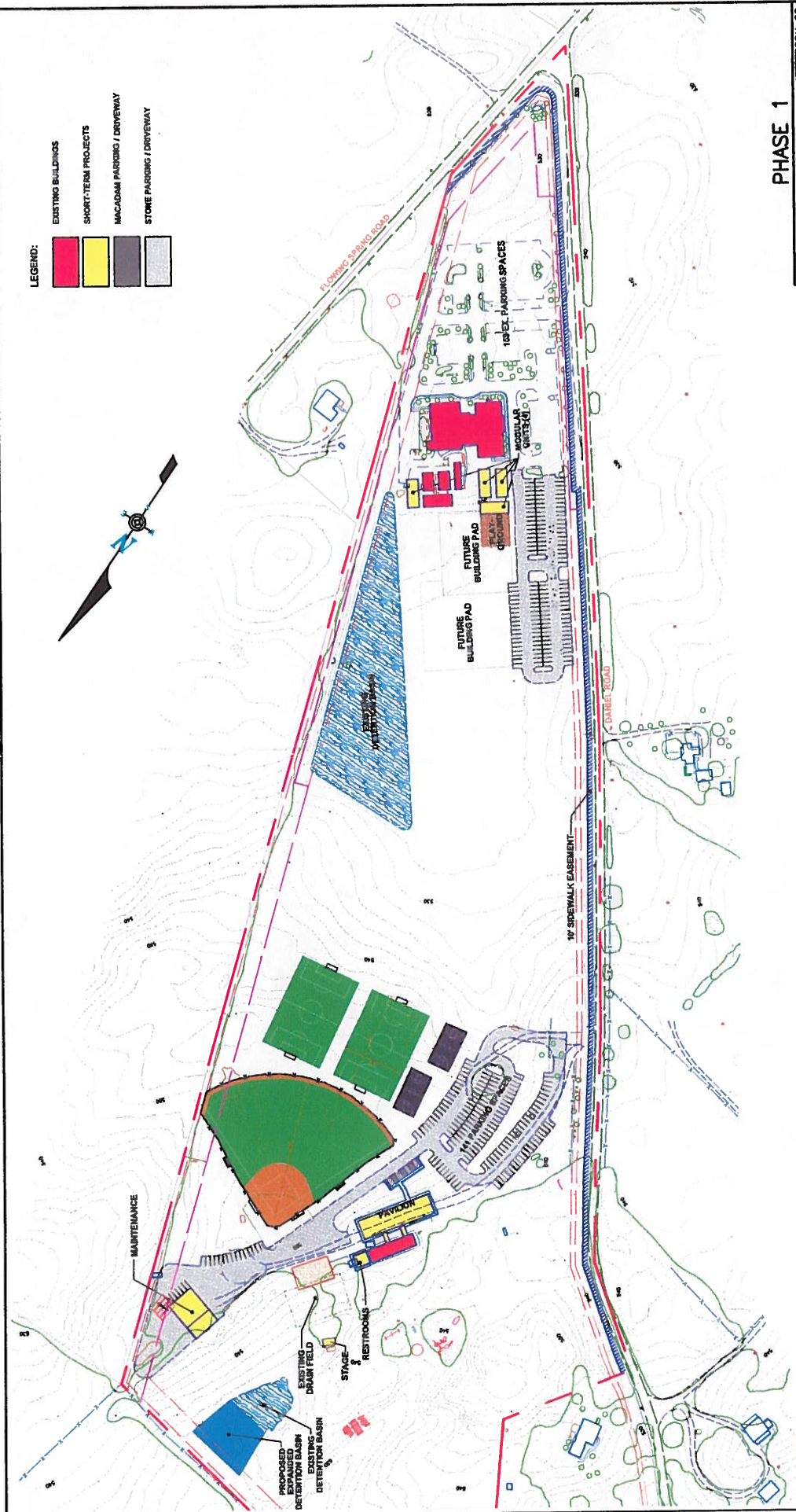
Signature of Property Owner

Date

	1st Review	2nd Review	3rd Review	4th Review
Submittal Date	<u>9-30-14</u>			
County Engineer	<u>10/10/14</u>			
Zoning Administrator	<u>mb 10/15/14</u>			
County Planner	<u>mb 10/15/14</u>			
Return Date				

County Engineer Approval Stamp

- LEGEND:**
- EXISTING BUILDINGS
 - SHORT-TERM PROJECTS
 - MACADAM PARKING / DRIVEWAY
 - STONE PARKING / DRIVEWAY



PHASE 1
CONCEPTUAL PLAN

FOR
FELLOWSHIP BIBLE CHURCH

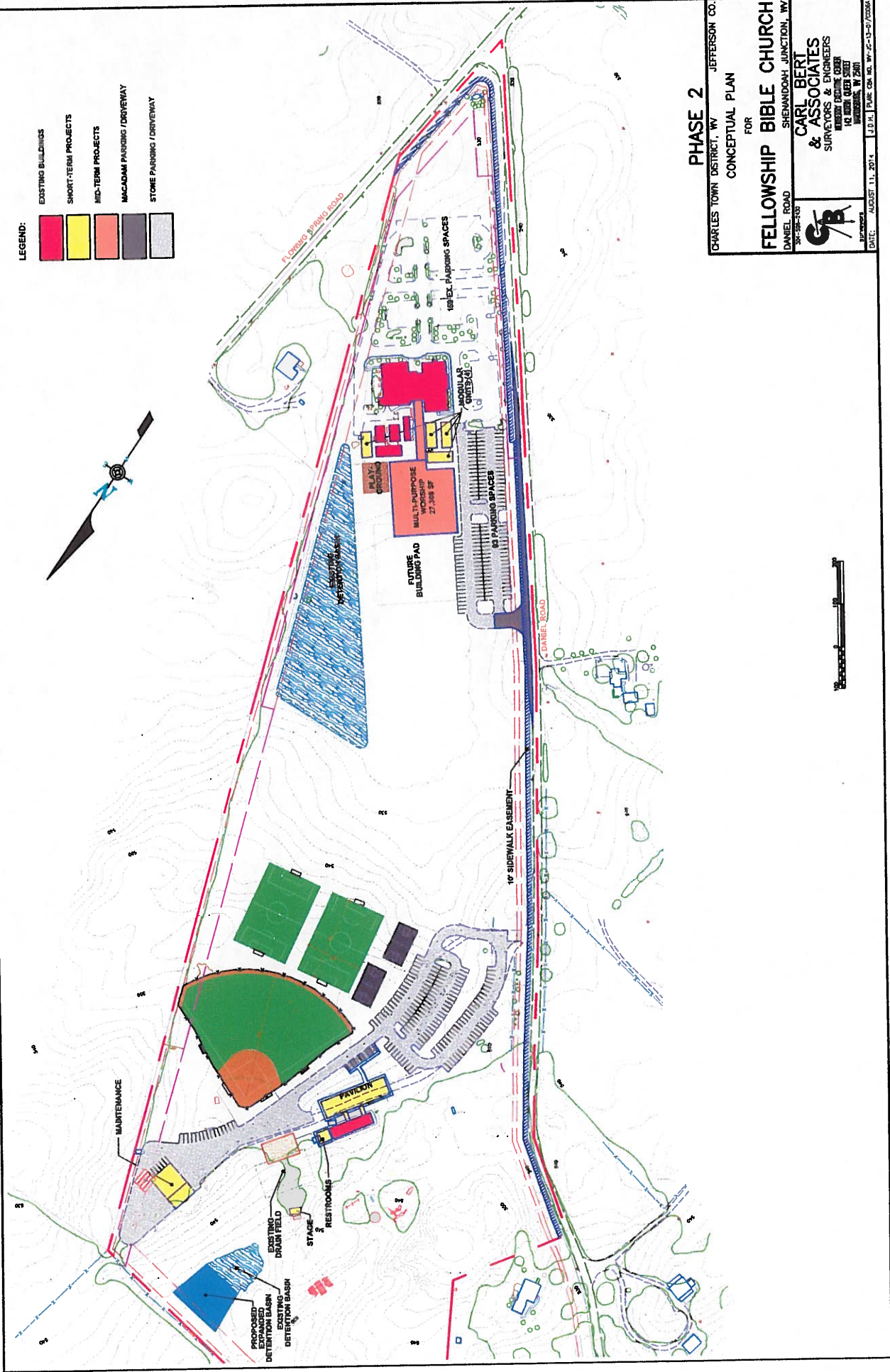
DANIEL ROAD
SHEMANDOAH JUNCTION, WV

CARL BERT & ASSOCIATES
SURVEYORS & ENGINEERS
ROBERT DEANE OBER
10 NORTH LOVELL STREET
MARTINSBURG, WV 26151

DATE: AUGUST 11, 2014

PROJECT: FLOOR SPRING RD. WVA-13-01-0000

- LEGEND:
- EXISTING BUILDINGS
 - SHORT-TERM PROJECTS
 - MID-TERM PROJECTS
 - MACADAM PARKING DRIVEWAY
 - STONE PARKING / DRIVEWAY



PHASE 2
 FOR
FELLOWSHIP BIBLE CHURCH
 DANIEL ROAD
 SHERMANSBURG, WY
 30-288-7000





CHARLES TOWN DISTRICT, WY JEFFERSON CO.

CARL BERT & ASSOCIATES
 SURVEYORS & ENGINEERS
 100 WEST QUART STREET
 WASHINGTON, WY 82401

DATE: AUGUST 11, 2014 J.D.H. PLAN: CHA. NO. WY-22-13-07/000A

Conceptual Sketch Option 1 Fellowship Bible Church

Legend

-  Property Location
-  Building
-  Gravel Parking
-  Athletic Field

NOTE:

The information on this Sketch listed below were taken from a plan by Gates Associated, Inc. entitled "Limited Site Plan for a Pavilion Improvement Location Permit Review The Fellowship Bible Church Lands" as dated July 12, 2001:

- 1) Existing Septic Reserve Area
- 2) Existing Storm Water Management Area & Earthen Dam
- 3) Limit of the Watershed
- 4) Existing Well



CARL BERT & ASSOCIATES
 Surveyors and Engineers
 Newberry Executive Center
 142 North Queen Street
 Martinsburg, WV 25401
 (304) 586-2430

OCT 07, 2013 DMS WV-J-C-13-01 / W01 / GIS001



Overall Property

Fellowship
Bible Church

Legend

- Property Location
- Extent of Sketch



**CARL BERT
& ASSOCIATES**

Surveyors and Engineers
Newberry Executive Center
142 North Queen Street
Martinsburg, WV 25401
(304) 596-2430

OCT 07, 2013 DMS WV-J-C-13-01 / W01 / GIS002

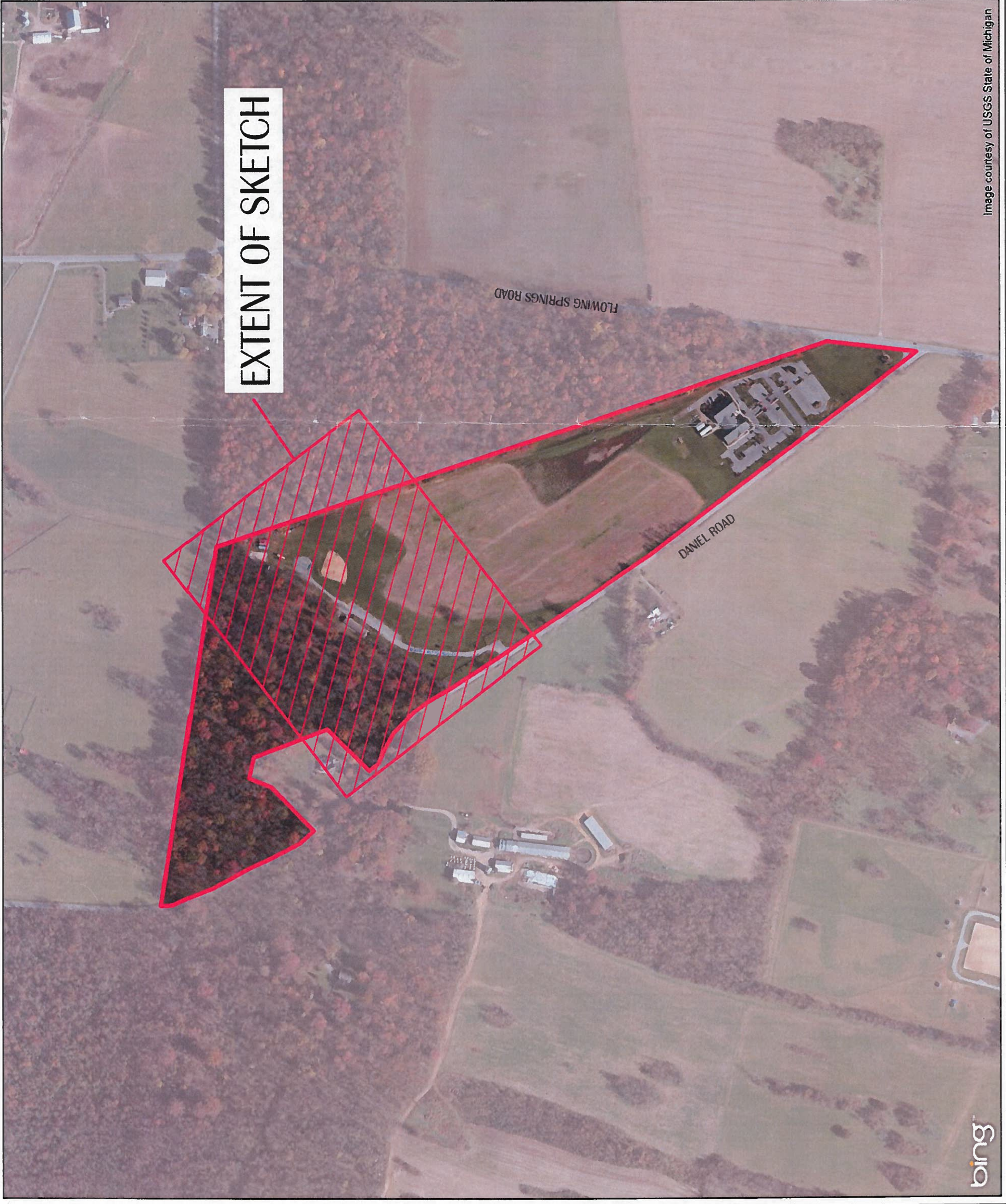


Image courtesy of USGS State of Michigan

From: [Alt, Larry A](#)
To: jhaque@carlbertassociates.com
Cc: gfrey@carlbertassociates.com
Subject: FW: Fellowship Bible Church
Date: Monday, October 27, 2014 2:27:24 PM

Gentlemen, based on the information submitted to me, this is what I can do or will need, depending on the phase you would like to persue.

Phase 1, I can issue you a letter stating that no work is needed and all permits are in good standing at this time.

Phase 2, I would need to issue a permit for the new entrance. The following would be needed to issue the permit.

- A) I would need plans in 20 scale showing details of the entrance such as radii, paving typical, profile and cross sections of the right turn taper.
- B) Need a 25,000 bond
- C) Entrance would need to be constructed within 2 years without further review.

Phase 3, would need to be looked at when you come closer to construction. Would most likely require a Traffic Impact study, unless a mutual agreement was reached on road improvements necessary.

Please let me know what you would like to do. Larry

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**



CARL BERT & ASSOCIATES
 Surveyors & Engineers
 Newberry Executive Center
 142 North Queen Street
 Martinsburg, WV 25401

Phone: (304) 596-2430
 Email: cdbassoc@carlbertassociates.com
 Web site: carlbertassociates.com

October 1, 2014

West Virginia Department of Division of Highways
 Larry A. Alt, District 5 Permit Reviewer
 P.O. Box 99 (Route 50)
 Burlington, WV 26710-0099
 Phone:(304) 289-3521
 Fax:(304) 289-5085

Project: Fellowship Bible Church
 CBA # WV-JC-13-01

Re: Jefferson County Concept Plan Submittal and WVDOT recommendations/approval

Dear Larry:

Thank you for meeting at the proposed site entrance for Fellowship Bible Church on August 19, 2014. Thank you also for confirming with us the ADT for Daniel Road (Co 18) and Flowing Spring Road, (Co 17). Based on our field meeting with you and others from WVDOT, it sounds like the proposed impact of an additional driveway for the church would not necessitate a TIS or additional Daniel Road work until Phase 3. Please see the attached concept plan and notice the changes to the entrance based on the field comments from you and your fellow colleagues.

For your convenience I have included trip generation numbers in the tables below so you can give us formal recommendations and approval that we can include in the correspondence with the Jefferson County Planning and Engineering Department as a part of the Concept Plan submittal process.

Church Traffic Impact					
	*Trip Generation Rate/1,000sf	Existing	Phase 1	Phase 2	Phase 3
Weekday ADT	9.11	175	227	299	464
Weekday AM Peak	0.56	11	14	18	29
Weekday PM Peak	0.55	11	14	18	28
Saturday ADT	10.37	199	259	340	528
Saturday Peak	3.54	68	88	116	180
Sunday ADT	36.63	703	914	1202	1864
Sunday Peak	12.04	231	301	395	613

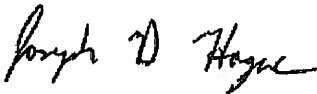
*Based on ITE Land Use Code of 560 for Church from Institute of Transportation Engineers (ITE) Trip Generation, 9th edition

Church Recreation Traffic Impact			
	*Trip Generation Rate/field	Existing (1 field)	Phase 1-3 (3 Fields)
Weekday ADT	71.33	71	214
Weekday AM Peak	1.12	1	3
Weekday PM Peak	17.7	18	53

*Based on ITE Land Use Code of 488 for Soccer Complex from Institute of Transportation Engineers (ITE) Trip Generation, 9th edition, which includes seating, activity shelter, picnic grounds, basketball courts playground and other accessory features.

Let me know if you need any additional information to understand any impact to your services.

Very Truly Yours,



Joseph D. Hague, PE
CARL BERT & ASSOCIATES
 Professional Land Surveyors & Engineers

Enclosures: Concept Plan

CC:

Jefferson County Public Service District

Joseph D. Hague, PE
Carl Bert & Associates
Newberry Executive Center
142 North Queen Street
Martinsburg, WV 25401



Project: Fellowship Bible Church
Carl Bert & Assoc. File # WV-JC-13-01

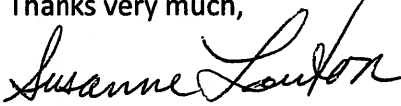
Re: Jefferson County Concept Plan Submittal

Dear Mr. Hague:

Jefferson County Public Service District (the District) has received your request for feedback on the above mentioned plan. At the current time, the District does not have wastewater sewer lines close to Fellowship Bible Church. It is my understanding that the Church is currently being served by a septic system. If, in the future when your client constructs the next phases, they wish to connect to public sewer, we may have completed a project which will increase our capacity which will enable such a connection. I have enclosed a copy of an overhead view with our currently under construction lines in the area.

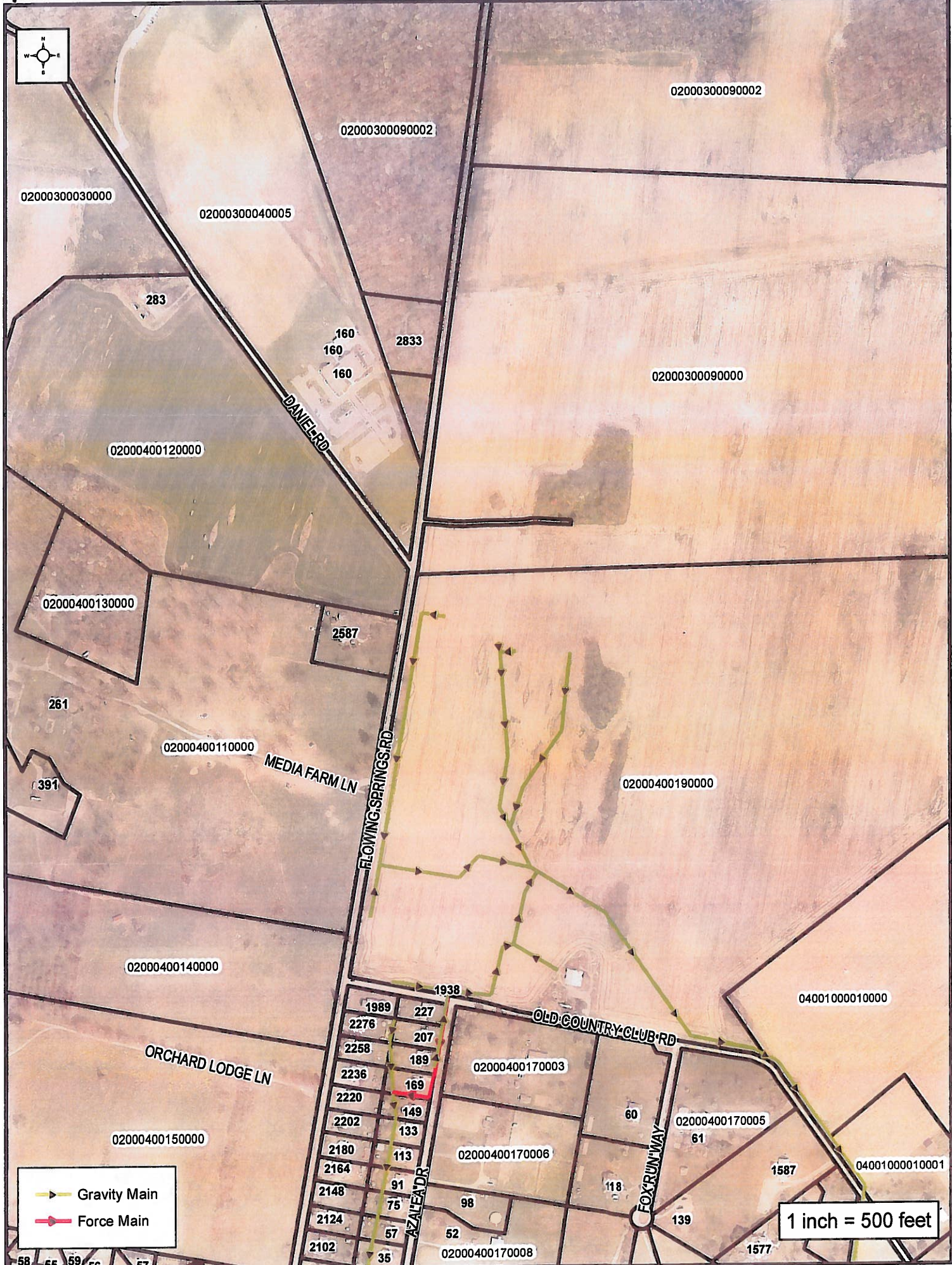
Should you have any questions please feel free to contact me.


Thanks very much,


Susanne Lawton
General Manager

Enclosure

cc: Roger Goodwin, Jefferson County Engineering Department



 Gravity Main
 Force Main

1 inch = 500 feet

58 55 59 56 57



October 21, 2014

Mr. Joseph D. Hague
Carl Bert and Associates
142 North Queen Street
Martinsburg, West Virginia 25401

Re: Jefferson County Concept Plan Submittal
Fellowship Bible Church

Dear Mr. Hague,

I have reviewed the Concept Plan for the Fellowship Bible Church, dated September 12, 2014, and submitted to the JCHLC October 2014 by Carl Bert and Associates of Martinsburg, West Virginia. The submittal documents outline three development phases of the proposed expansion of the existing church at 160 Daniel Road, Shenandoah Junction.

A Category IV County Historic Resource is in proximity to the project site, across Daniel Road from the proposed development. There are no cataloged County Historic Resources from the 2007 JCHLC survey located on the development parcel described in these submittal documents.

The Jefferson County Historic Landmarks Commission has no objections or comments on the proposed Fellowship Bible Church Concept Plan since there are no listed County Historic Resources on the development parcel and the proposed development does not extend beyond the current parcel boundaries.

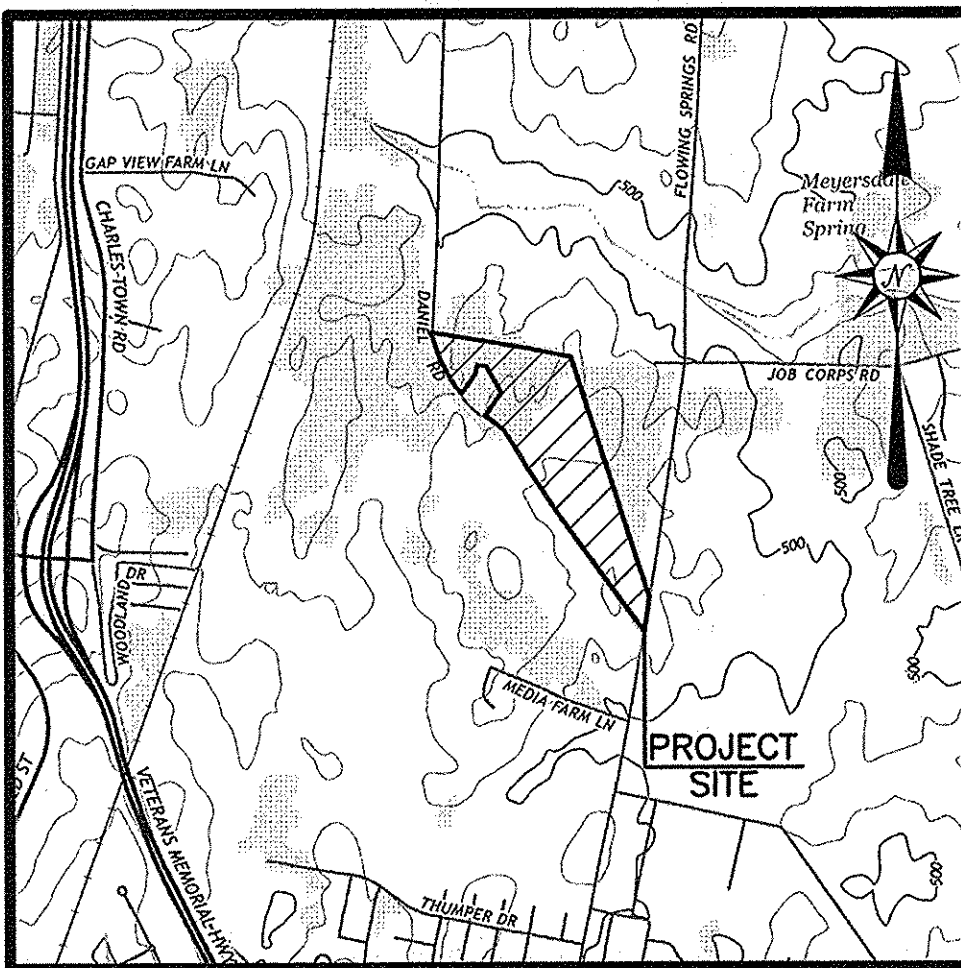
If you have any questions or need additional information, please feel free to contact me.

A handwritten signature in blue ink, appearing to read 'Sara Lambert'.

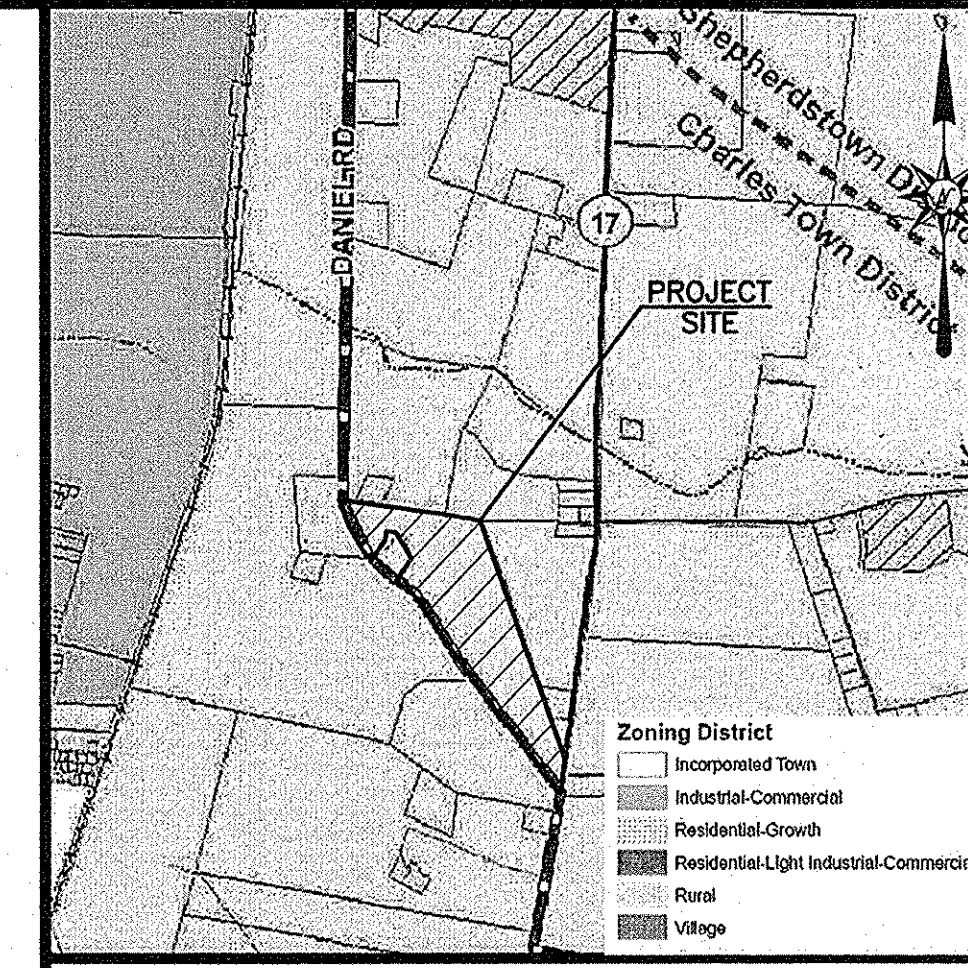
Sara Lambert
Commissioner, JCHLC
P.O. Box 23
Charles Town, West Virginia 25414
707-326-6443

cc: Ms. Jennifer Brockman, Jefferson County Planning Department (via email)
Mr. Martin Burke, JCHLC Chair (via email)

CONCEPT PLAN FOR FELLOWSHIP BIBLE CHURCH



QUAD MAP LOCATION
SCALE: 1" = 2,000'

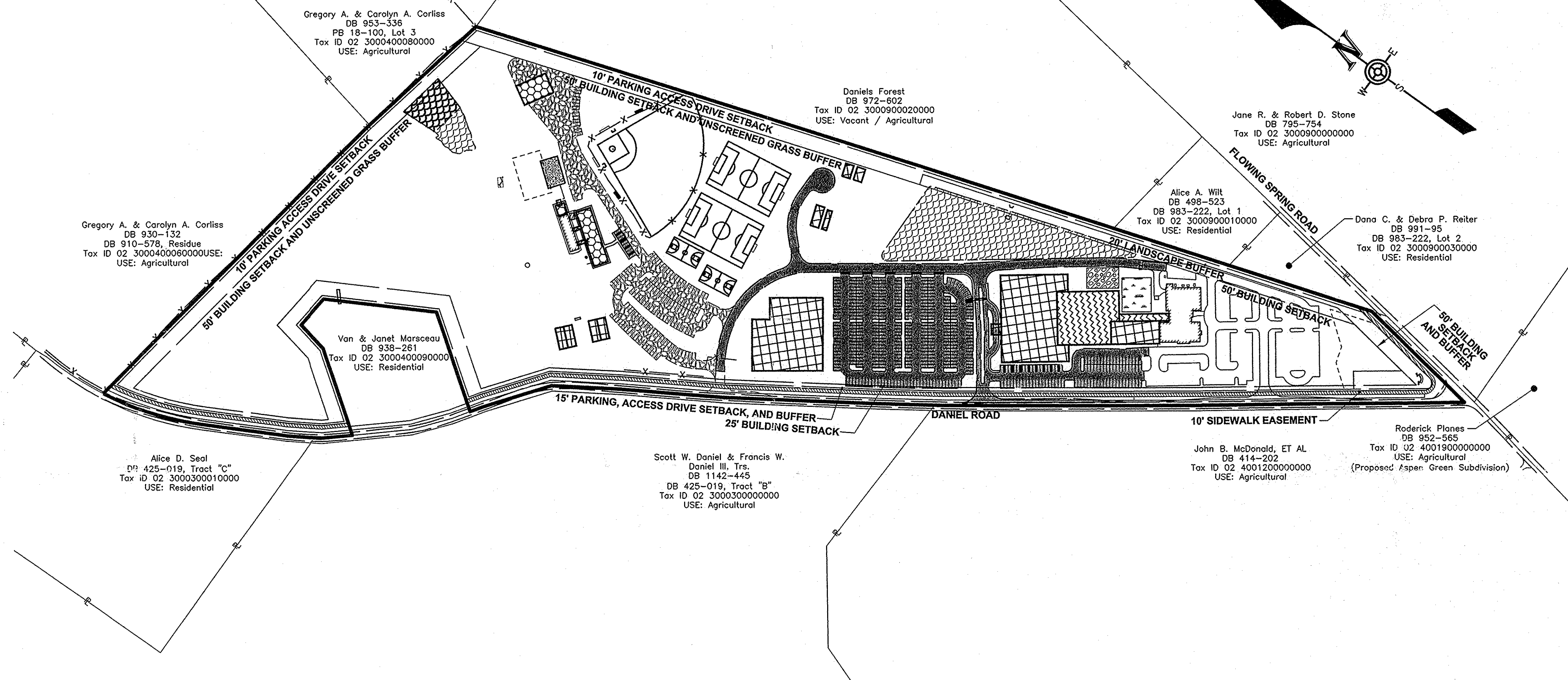


ZONING MAP
SCALE: 1" = 2,000'

LEGEND:

- PHASE 1
- PHASE 2
- PHASE 3
- MACADAM PARKING / DRIVEWAY
- STONE PARKING / DRIVEWAY
- PROPOSED DETENTION BASIN
- EXISTING DETENTION BASIN
- EXISTING BUILDING

SYMBOLS
R = Property Line



OWNER
Trustees of Fellowship Bible Church
160 Daniel Road
Shenandoah Junction, WV 25442
Phone: 304-728-3700

CONTACT PERSON
Rich Beddow
160 Daniel Road
Shenandoah Junction, WV 25442
Phone: 304-728-3700

PURPOSE OF PLAN / PROPOSAL DESCRIPTION
The purpose of this plan is to receive Concept Plan approval in accordance with the requirements of the Jefferson County Subdivision and Land Development Regulations of January 1, 2014 and the Jefferson County Zoning and Land Development Ordinance of January 2, 2014 to:

1. Expand facilities and parking area.
2. Construct a driveway onto Daniel Road (Co-18).
3. See Phasing Schedule per phase for more specific detail.

SITE DATA
Total site area: 50.7684 acres (from deed)
Existing Land Use: Agricultural/Church/Recreational
Zoning: Rural District
Water Supply: Private with wells on-site for church and pavilion
Sewage Disposal: Private with septic on-site for church and pavilion
Deed Reference: Deed Book 922, Page 338
Less & Except 938, Page 261
Tax Parcel Reference: CTD Tax Map 3 Parcel 4.5

PROPOSED LOT REQUIREMENTS

Zoning:	
Rural / Agricultural District	Church
Land Use	2 Acres
Minimum Lot Size	200 feet
Min. Width	35 feet
Max Building Height	
Building Setbacks:	
Front Yard	25 feet
Side Yard	50 feet
Rear Yard	50 feet
Parking and Access Drive Setbacks:	
Front Yard	15 feet
Side Yard	10 feet
Rear Yard	10 feet
Buffers Unscreened/Screened: (N/A with Commercial or Industrial Adjacent Use)	
Front Yard	50 feet/15 feet
Side Yard	50 feet/15 feet
Rear Yard	50 feet/15 feet

REVISIONS		
NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

JEFFERSON COUNTY, WEST VIRGINIA

PRELIMINARY PLAT APPROVAL

SITE PLAN APPROVAL

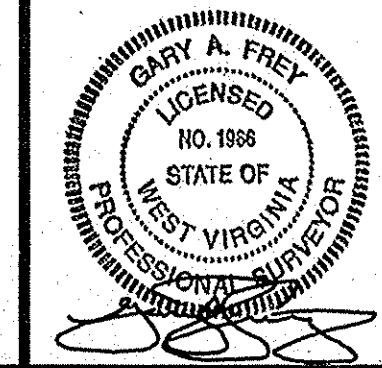
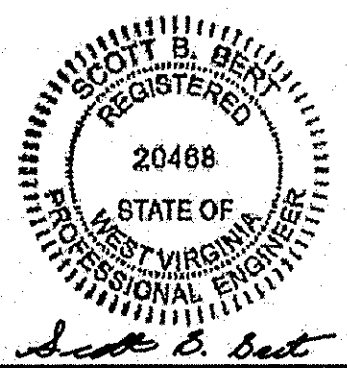
BY _____ COUNTY ENGINEER _____ DATE _____

BY _____ COUNTY PLANNER _____ DATE _____

- INDEX OF SHEETS**
1. Cover Sheet
 2. Existing Topography Plan
 3. Phase 1 Conceptual Plan
 4. Phase 2 Conceptual Plan
 5. Phase 3 Conceptual Plan
 6. Traffic Plan

PRELIMINARY PLAN
COVER SHEET
SHEET 1 OF 6

I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000



CHARLES TOWN DISTRICT JEFFERSON CO.
CONCEPT PLAN
FOR
FELLOWSHIP BIBLE CHURCH
DANIEL ROAD SHENANDOAH JUNCTION, WV
304-596-2430

CARL BERT & ASSOCIATES
SURVEYORS & ENGINEERS
NEWBERRY EXECUTIVE CENTER
142 NORTH QUEEN STREET
MARTINSBURG, WV 25401

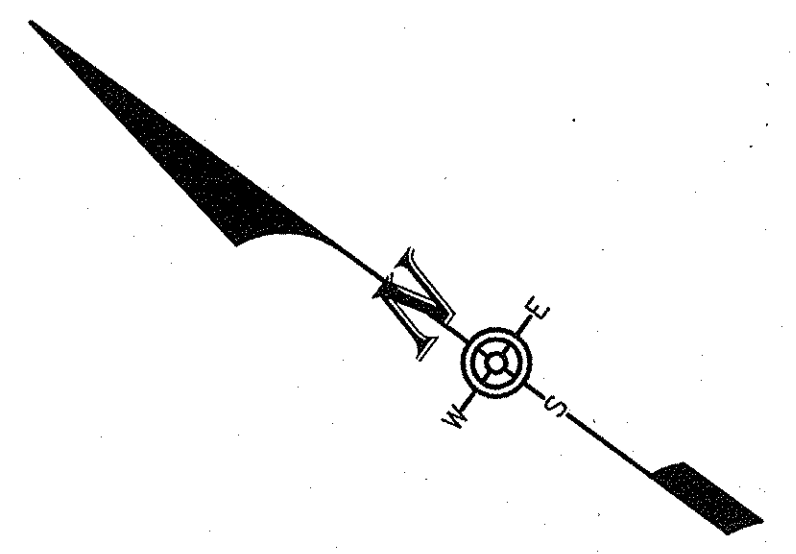
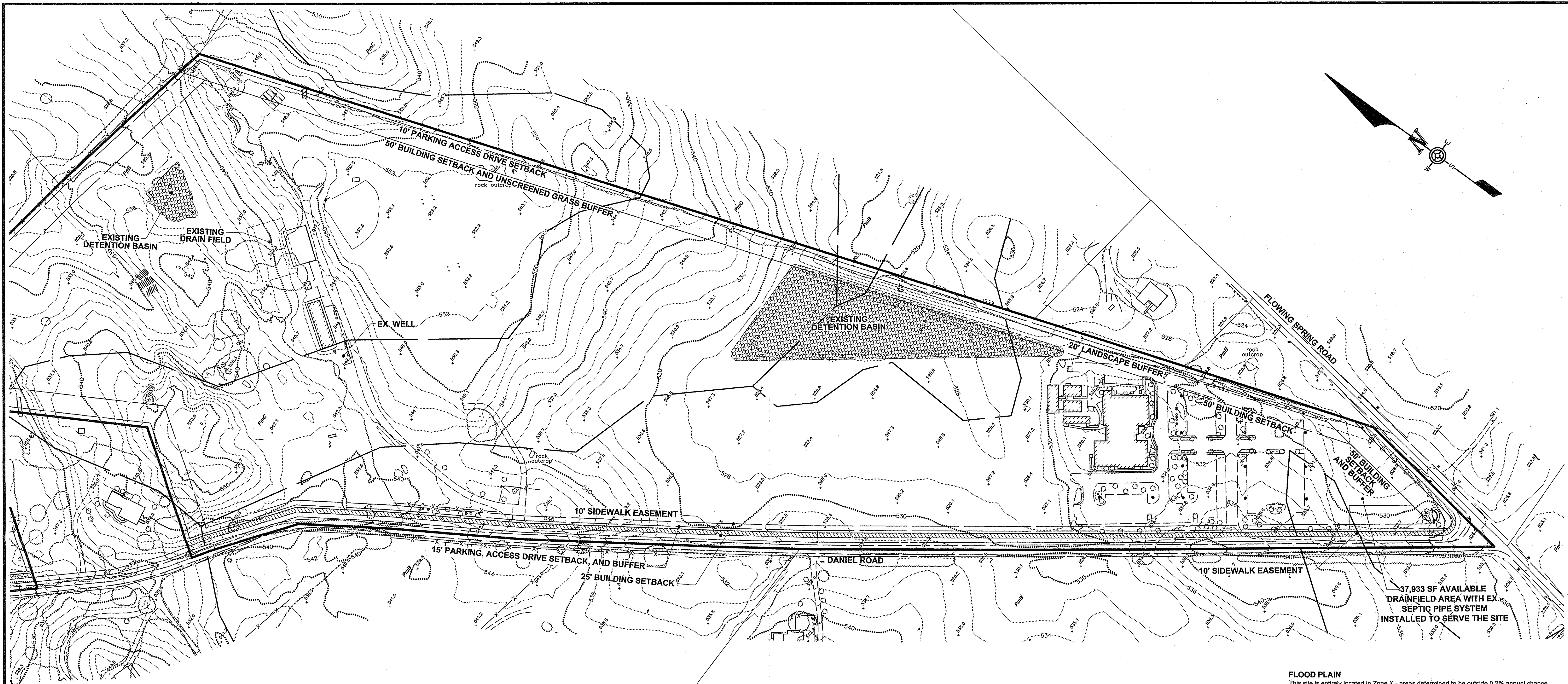
DATE: SEPTEMBER 12, 2014 T.L.B. PLAN: CBA NO. WV-JC-13-01



RECEIVED
OCT 31 2014
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

#2 For Revised Print

S14-03



LEGEND:

EXISTING DETENTION BASIN

EXISTING BUILDING

SYMBOLS

= Property Line

Existing contours

Soils type division line as taken from NRCS Web Soils Survey

= Soils type mapping symbol

Brush / Tree Line

Existing Fence

Spot Elevation

Existing Utility Pole

Lamp Post

Outcrop

SOILS DATA

Mapping Symbol	Soil Series	Hydrologic Soil Group	Limitations							Hydric Rating	Farmland Classification
			Lawns & Landscape	Top Soil	Embankments	Dwellings w/ Basements	Dwellings w/o Basements	Roads and Streets	Shallow Excavations		
Fk	Funkstown silt loam	B/D	Very limited	Poor	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited	Predominantly NonHydric	Prime
HrC	Hagerstown-Rock outcrop complex, 8-15% slopes	B	Somewhat Limited	Fair	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Somewhat Limited	Not Hydric	Not Prime
PmB	Poplimento silt loam, 3-8% slopes	B	Somewhat Limited	Poor	Somewhat Limited	Very Limited	Very Limited	Very Limited	Somewhat Limited	Not Hydric	Prime
PmC	Poplimento silt loam, 8-15% slopes	B	Somewhat Limited	Poor	Somewhat Limited	Very Limited	Very Limited	Very Limited	Somewhat Limited	Not Hydric	Statewide Importance
PpB	Poplimento silt loam, 3-8% slopes, very rocky	B	Somewhat Limited	Poor	Somewhat Limited	Very Limited	Very Limited	Very Limited	Somewhat Limited	Not Hydric	Statewide Importance

Information taken from NRCS Web Soil Survey; Jefferson County, WV accessed June 2014.

TABULATION OF EXISTING SLOPE AREAS

Range (%)	Area (Acres)	% of Total
<10	41.3	81.3
10-14.9	5.5	10.9
15-19.9	2.0	3.9
20-24.9	0.9	1.7
25-29.9	0.6	1.1
30-34.9	0.3	0.6
>35	0.2	0.4
Total	50.8	100.0

TABULATION OF EXISTING AREAS

Item	Area (Acres)	% of Total
Buildings	0.5	1.0
Concrete walks / pads	0.2	0.5
Roads, Driveway, Parking Lot	3.4	6.8
Open Space / Grass	28.8	56.7
Woods	17.9	35.1
Total	50.8	100.0

TABULATION OF EXISTING BUILDINGS

Building	Area (sq. ft.)
Classrooms/Sanctuary	15,211
Modulars	
A	770
B	891
C	890
D	1,434
Pavilion	2,936
C-Containers	1,236
Total	23,368



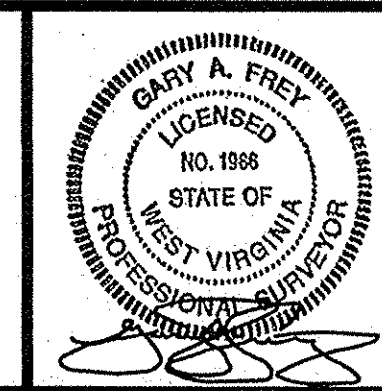
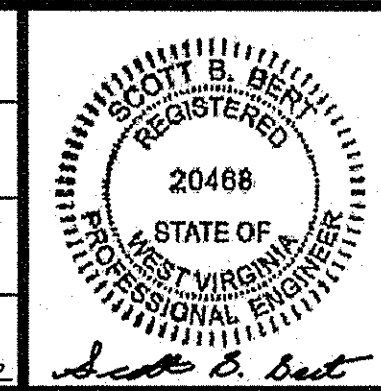
FLOOD PLAIN
 This site is entirely located in Zone X - areas determined to be outside 0.2% annual chance floodplain, as delineated on the National Flood Insurance Program Flood Insurance Rate Map Community Panel Number 54037C0130E dated December 18, 2009 for Jefferson County, West Virginia by the Federal Emergency Management Agency.

SLOPE DELINEATION
 This site is not within Hillside development as specified under Jefferson County Subdivision and Land Development Regulations Sec. 22.504 of January 1, 2014. The slopes on site are tabulated and include in "Tabulation of Existing Slope Areas."

REVISIONS

NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

**PRELIMINARY PLAN
 ENVIRONMENTAL PLAN
 SHEET 2 OF 6**



CHARLES TOWN DISTRICT JEFFERSON CO.

CONCEPT PLAN

FOR

FELLOWSHIP BIBLE CHURCH

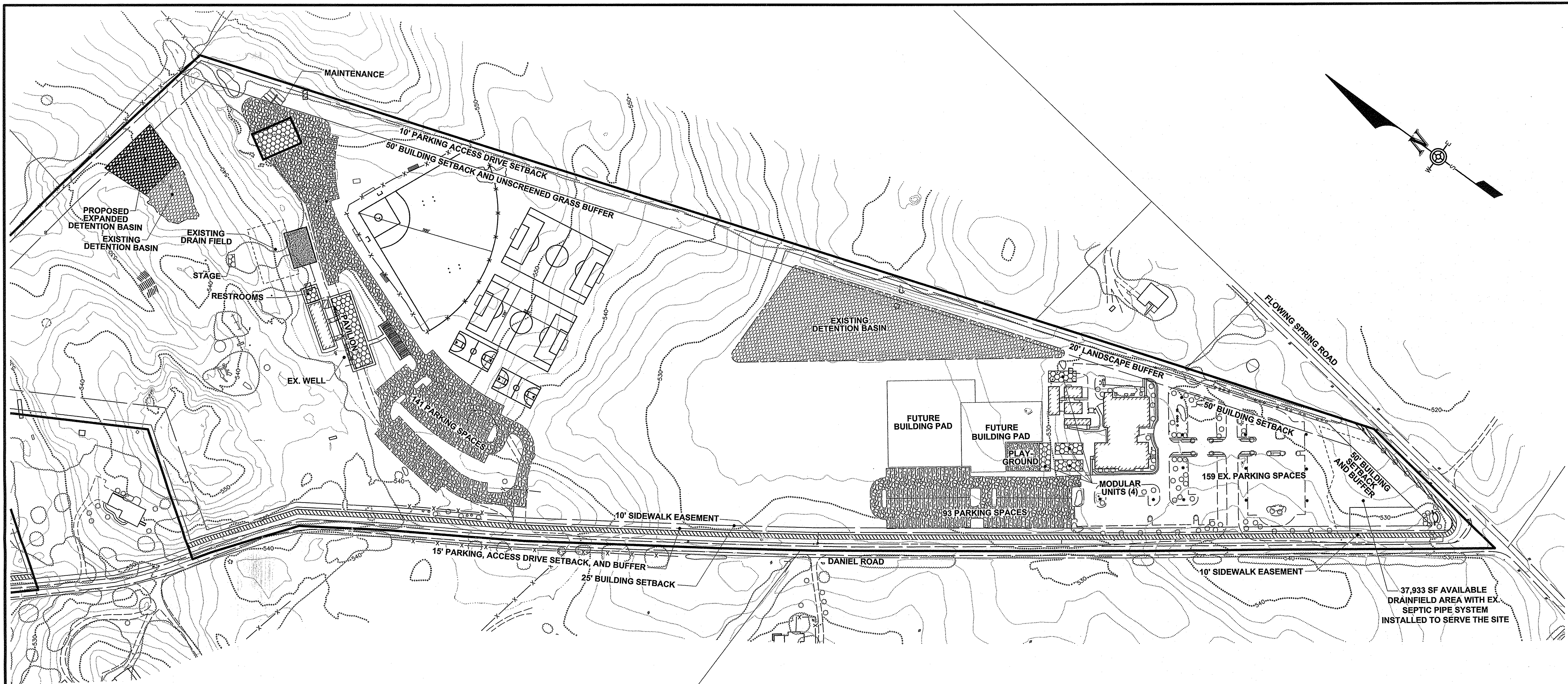
DANIEL ROAD SHENANDOAH JUNCTION, WV

304-596-2430

CARL BERT & ASSOCIATES
 SURVEYORS & ENGINEERS
 NEWBERRY EXECUTIVE CENTER
 142 NORTH QUEEN STREET
 MARTINSBURG, WV 25401

DATE: SEPTEMBER 12, 2014 T.L.B. PLAN: CBA NO. WV-JC-13-01

I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000



37,933 SF AVAILABLE
DRAINFIELD AREA WITH EX.
SEPTIC PIPE SYSTEM
INSTALLED TO SERVE THE SITE

TABULATION OF PROPOSED PHASE 1 BUILDINGS

Building	Area (sq. ft.)
Maintenance	5,423
Modulars	
A	1,440
B	1,440
C	1,440
D	1,440
Pavilion	7,951
Stage	378
Total	19,512

- PHASE 1 SCHEDULE / DESCRIPTION**
Phase 1 / 2014-2016
- Place 4 modular units for classrooms near church (Use: Educational)
 - Grade future building pads near church
 - Construct additional gravel parking for church building
 - Construct Outdoor Stage near pavilion (Use: Recreational/Educational)
 - Construct larger outdoor pavilion and additional restrooms
 - Construct Maintenance Building (Use: Storage)
 - Remove C-Containers
 - Construct additional gravel parking area and vehicular access to facilities near pavilion
 - Construct berm to expand the stormwater facility
 - Construct recreational facilities including: softball field, soccer fields, and basketball courts. (Use Recreational)

- SYMBOLS**
- Property Line
 - Existing contours
 - Soils type division line as taken from NRCS Web Soils Survey
 - Soils type mapping symbol
 - Brush / Tree Line
 - Existing Fence
 - Spot Elevation
 - Existing Utility Pole
 - Lamp Post

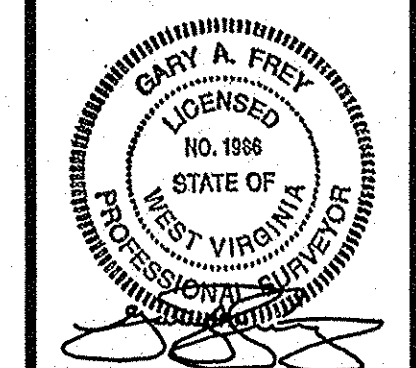
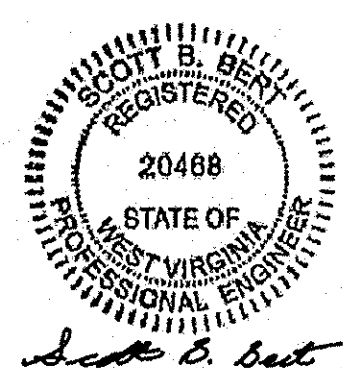
- LEGEND:**
- PHASE 1
 - MACADAM PARKING / DRIVEWAY
 - STONE PARKING / DRIVEWAY
 - PROPOSED DETENTION BASIN
 - EXISTING DETENTION BASIN
 - EXISTING BUILDING



REVISIONS

NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

PRELIMINARY PLAN
PHASE 1 CONCEPTUAL PLAN
SHEET 3 OF 6

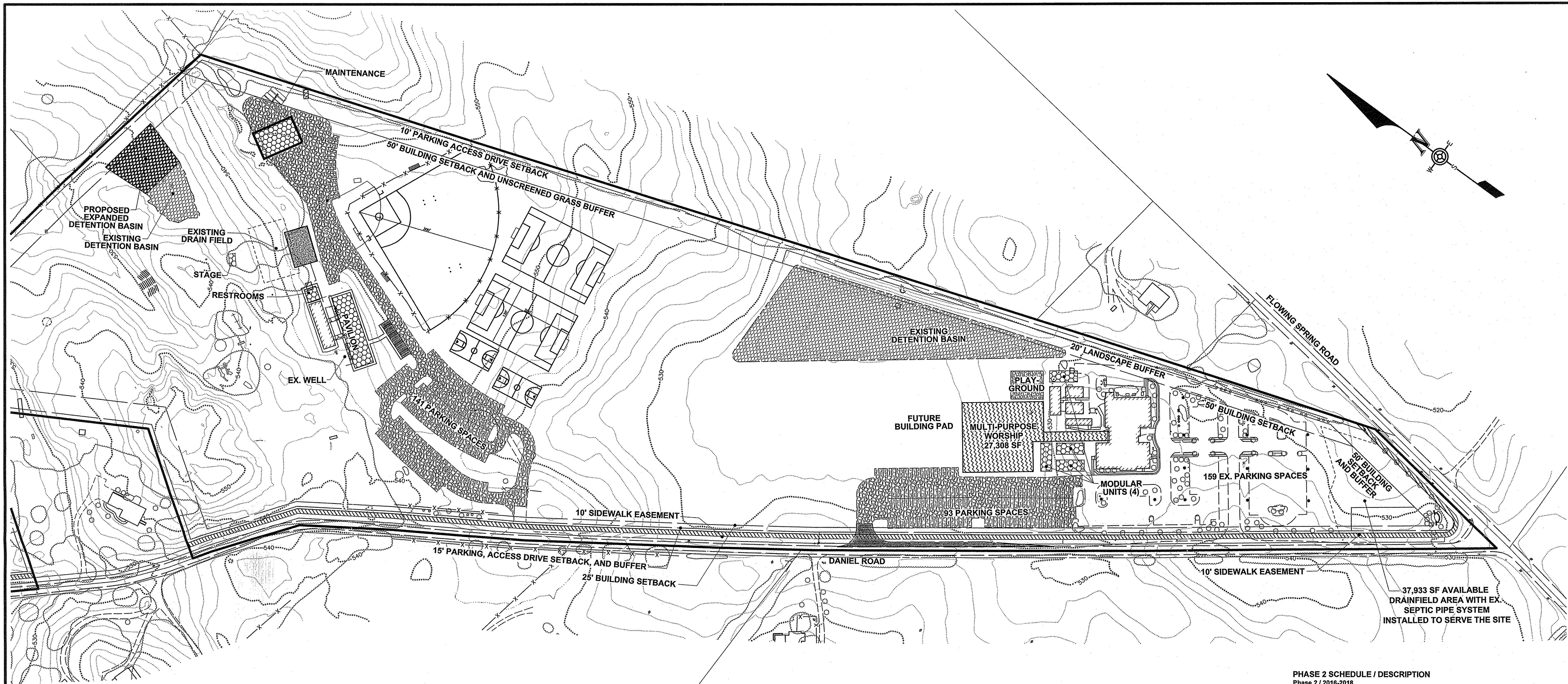


CHARLES TOWN DISTRICT JEFFERSON CO.
CONCEPT PLAN
FOR
FELLOWSHIP BIBLE CHURCH
DANIEL ROAD SHENANDOAH JUNCTION, WV

304-596-2430
CARL BERT & ASSOCIATES
SURVEYORS & ENGINEERS
NEWBERRY EXECUTIVE CENTER
142 NORTH QUEEN STREET
MARTINSBURG, WV 25401

DATE: SEPTEMBER 12, 2014 T.L.B. PLAN: CBA NO. WV-JC-13-01

HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000



PHASE 2 SCHEDULE / DESCRIPTION
 Phase 2 / 2016-2018
 • Construct additional driveway onto Daniels Road for additional exit and entrance to church.
 • Construct Multi-Purpose Worship building - 700 person capacity (Use: Church)
 • Move Playground Area

TABULATION OF PROPOSED PHASE 2 BUILDINGS	
Building	Area (sq. ft.)
Multi-Purpose/Worship Center	27,308
Total	27,308

SYMBOLS
 — = Property Line
 --- Existing contours
 --- Soils type division line as taken from NRCS Web Soils Survey
 AbC = Soils type mapping symbol
 --- Brush / Tree Line
 --- Existing Fence
 x 654 Spot Elevation
 o Existing Utility Pole
 * Lamp Post

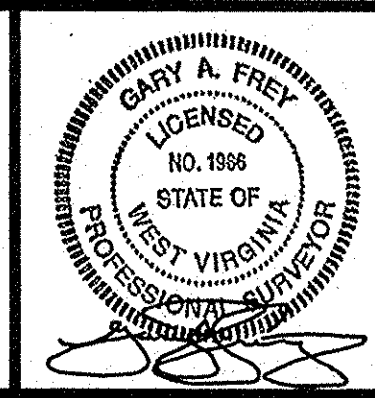
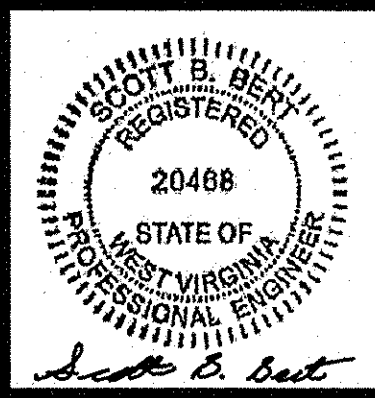
LEGEND:

	PHASE 1
	PHASE 2
	MACADAM PARKING / DRIVEWAY
	STONE PARKING / DRIVEWAY
	PROPOSED DETENTION BASIN
	EXISTING DETENTION BASIN
	EXISTING BUILDING

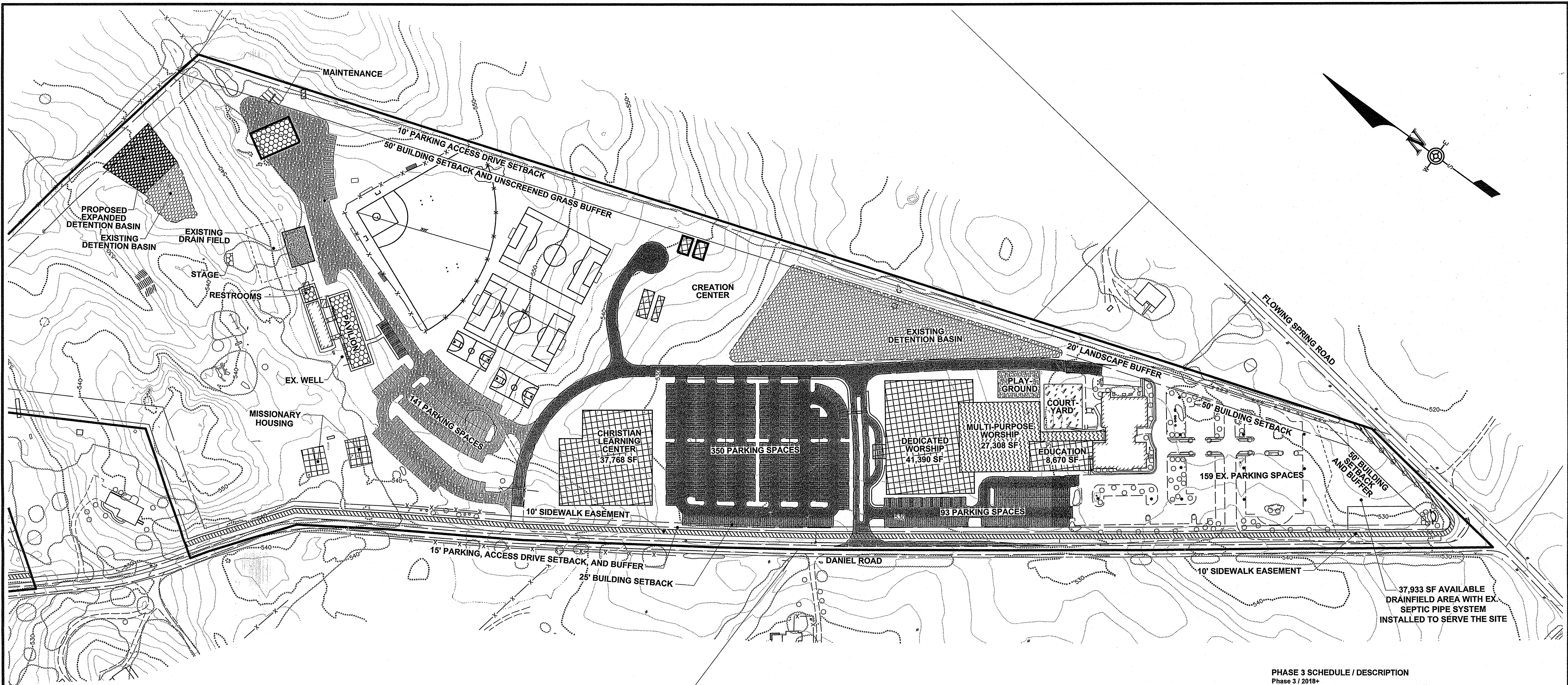


REVISIONS		
NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

PRELIMINARY PLAN
 PHASE 2 CONCEPTUAL PLAN
 SHEET 4 OF 6
 I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000



CHARLES TOWN DISTRICT JEFFERSON CO.
 CONCEPT PLAN
 FOR
FELLOWSHIP BIBLE CHURCH
 DANIEL ROAD SHENANDOAH JUNCTION, WV
 304-596-2430
CARL BERT & ASSOCIATES
 SURVEYORS & ENGINEERS
 NEWBERRY EXECUTIVE CENTER
 142 NORTH QUEEN STREET
 MARTINSBURG, WV 25401
 DATE: SEPTEMBER 12, 2014 T.L.B. PLAN: CBA NO. WV-JC-13-01

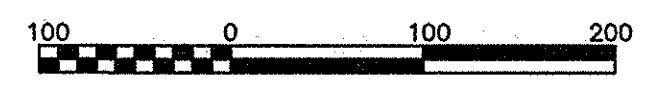


37,933 SF AVAILABLE
DRAINFIELD AREA WITH EX.
SEPTIC PIPE SYSTEM
INSTALLED TO SERVE THE SITE

- PHASE 3 SCHEDULE / DESCRIPTION**
Phase 3 / 2018+
- Build Education Wing onto Church (Use: Educational)
 - Build Worship Center - 1,000 person capacity (Use: Church)
 - Remove / Relocate Modular Units
 - Improve parking area with Asphalt and add parking and vehicular access for Worship Center.
 - Construct Creation Center (Use: Educational)
 - Construct Education Learning Center (Use: Educational)
 - Construct Missionary Housing (Use: Hospitality)

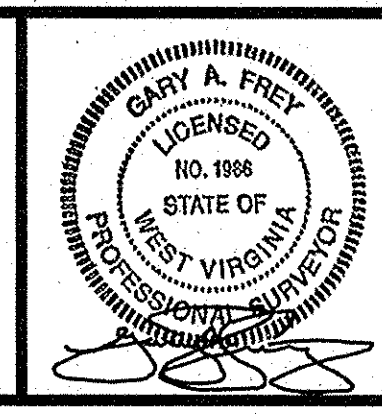
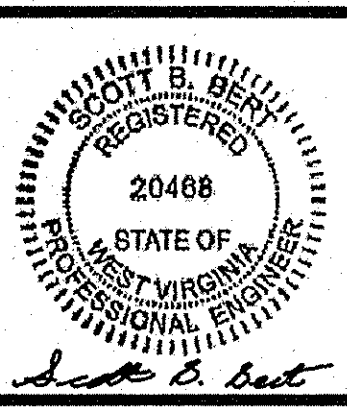
- SYMBOLS**
- R = Property Line
 - Existing contours
 - Soils type division line as taken from NRCS Web Soils Survey
 - abc = Soils type mapping symbol
 - Brush / Tree Line
 - Existing Fence
 - Spot Elevation
 - Existing Utility Pole
 - Lamp Post

- LEGEND:**
- PHASE 1
 - PHASE 2
 - PHASE 3
 - MACADAM PARKING / DRIVEWAY
 - STONE PARKING / DRIVEWAY
 - PROPOSED DETENTION BASIN
 - EXISTING DETENTION BASIN
 - EXISTING BUILDING



REVISIONS		
NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

PRELIMINARY PLAN
PHASE 3 CONCEPTUAL PLAN
SHEET 5 OF 6



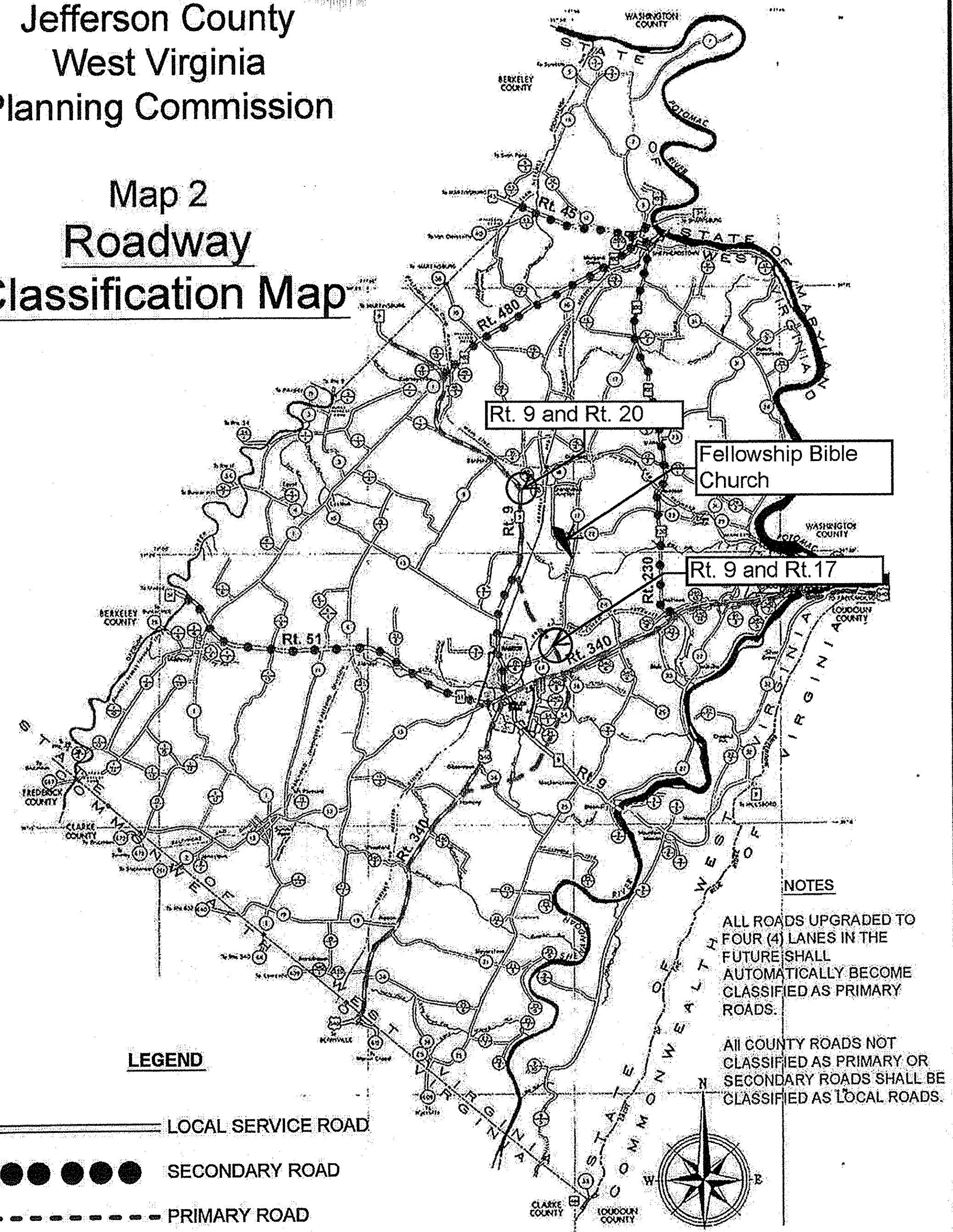
CHARLES TOWN DISTRICT JEFFERSON CO.
CONCEPT PLAN
FOR
FELLOWSHIP BIBLE CHURCH
DANIEL ROAD SHENANDOAH JUNCTION, WV

304-596-2430
CARL BERT & ASSOCIATES
SURVEYORS & ENGINEERS
NEWBERRY EXECUTIVE CENTER
142 NORTH QUEEN STREET
MARTINSBURG, WV 25401

DATE: SEPTEMBER 12, 2014 T.L.B. PLAN: CBA NO. WV-JC-13-01

Jefferson County
West Virginia
Planning Commission

Map 2
Roadway
Classification Map



NOTES
ALL ROADS UPGRADED TO FOUR (4) LANES IN THE FUTURE SHALL AUTOMATICALLY BECOME CLASSIFIED AS PRIMARY ROADS.
ALL COUNTY ROADS NOT CLASSIFIED AS PRIMARY OR SECONDARY ROADS SHALL BE CLASSIFIED AS LOCAL ROADS.

July, 2003

Church Traffic Impact					
	*Trip Generation Rate/1,000sf	Existing	Phase 1	Phase 2	Phase 3
Weekday ADT	9.11	175	227	299	464
Weekday AM Peak	0.56	11	14	18	29
Weekday PM Peak	0.55	11	14	18	28
Saturday ADT	10.37	199	259	340	528
Saturday Peak	3.54	68	88	116	180
Sunday ADT	36.63	703	914	1202	1864
Sunday Peak	12.04	231	301	395	613

*Based on ITE Land Use Code of 560 for Church from Institute of Transportation Engineers (ITE) Trip Generation, 9th edition

Church Recreation Traffic Impact			
	*Trip Generation Rate/field	Existing (1 field)	Phase 1-3 (3 Fields)
Weekday ADT	71.33	71	214
Weekday AM Peak	1.12	1	3
Weekday PM Peak	17.7	18	53

*Based on ITE Land Use Code of 488 for Soccer Complex from Institute of Transportation Engineers (ITE) Trip Generation, 9th edition, which includes seating, activity shelter, picnic grounds, basketball courts play ground and other accessory features.

Tabulation of Existing Traffic (ADT)	
Route	ADT
17 (Flowing Spring Road) North of 18 (Daniel Road)	4,200
17 (Flowing Spring Road) South of 18 (Daniel Road)	5,500
18 (Daniel Road)	1,400

Based on existing Traffic Inventory Logs provided by WVDOT

Highway Problem Areas				
Route Number	Road Class	Location	Problem	
18	L	Intersection with Rt. 17 North of Rt. 24	Poor intersection angle causing poor visibility.	
22	L	Intersection with Rt. 17 North of Rt. 24	Poor Visibility.	

Road Classification: P = Primary, S = Secondary, L = Local Service Road

NEAREST KEY INTERSECTION

The nearest key intersection is Route 9 with Route 20. The second nearest key intersection is Route 9 with Route 17.

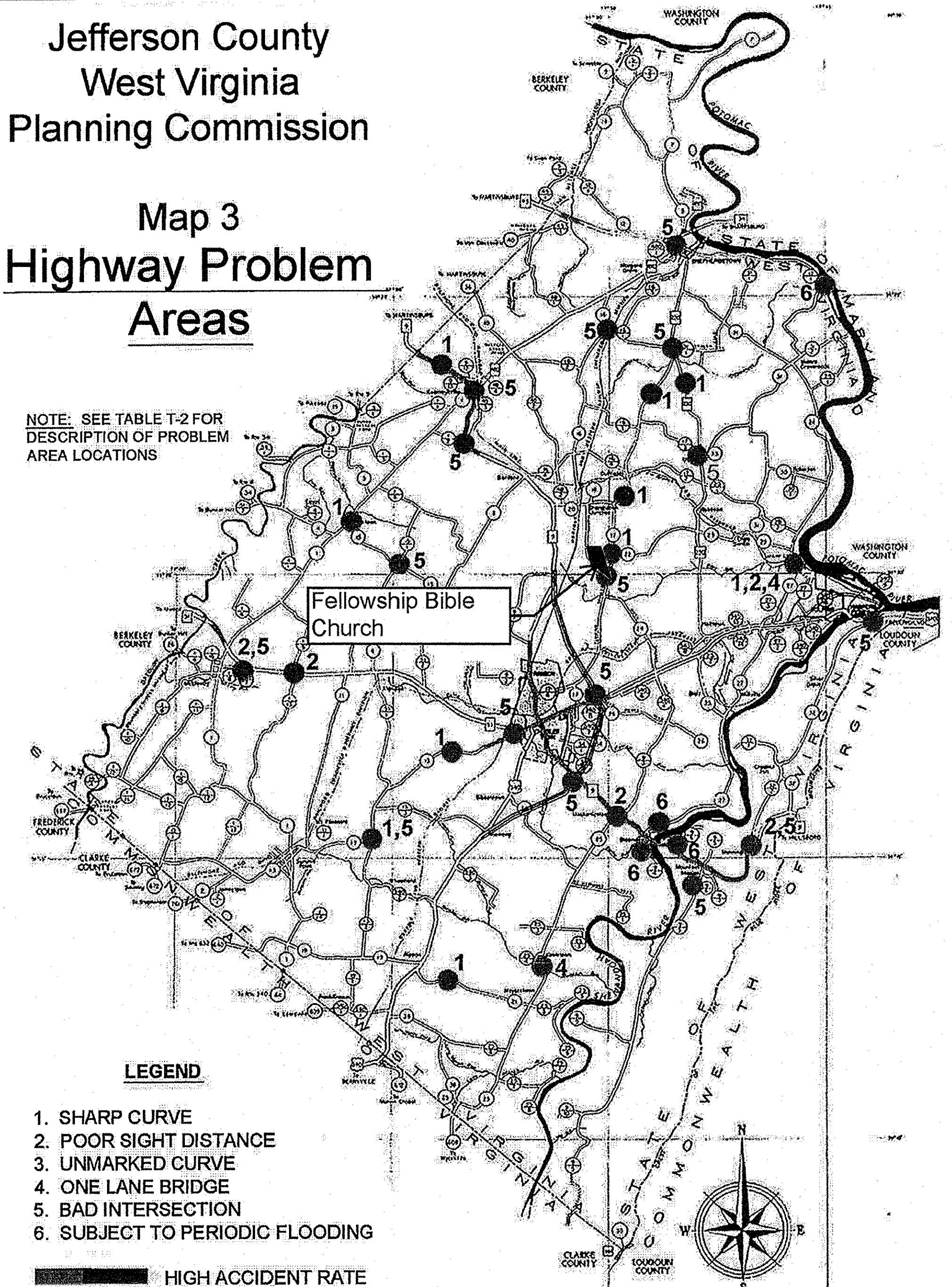
HIGHWAY PROBLEM AREAS

- Route 18 intersection with Route 17 north of Route 24 - poor intersection angle causing poor visibility
- Route 22 intersection with Route 17 north of Route 24 - poor visibility

Jefferson County
West Virginia
Planning Commission

Map 3
Highway Problem
Areas

NOTE: SEE TABLE T-2 FOR DESCRIPTION OF PROBLEM AREA LOCATIONS



LEGEND

- SHARP CURVE
 - POOR SIGHT DISTANCE
 - UNMARKED CURVE
 - ONE LANE BRIDGE
 - BAD INTERSECTION
 - SUBJECT TO PERIODIC FLOODING
- HIGH ACCIDENT RATE

July, 2003

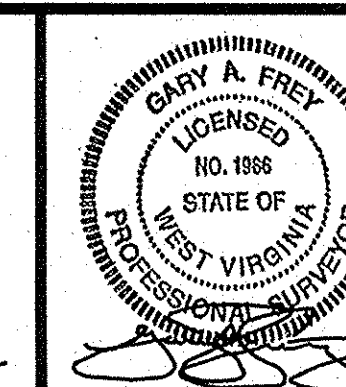
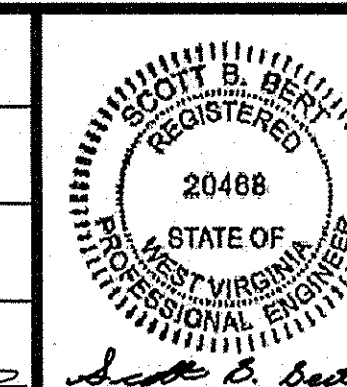
CHARLES TOWN DISTRICT JEFFERSON CO.
CONCEPT PLAN
FOR
FELLOWSHIP BIBLE CHURCH
DANIEL ROAD SHENANDOAH JUNCTION, WV

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142 NORTH QUEEN STREET
MARTINSBURG, WV 25401

REVISIONS		
NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

PRELIMINARY PLAN
TRAFFIC IMPACT PLAN
SHEET 6 OF 6

HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000



DATE: SEPTEMBER 12, 2014 T.L.B. PLAN: CBA NO. WV-JC-13-01

This information is
Tab # 7 of your binder

STAFF REPORT

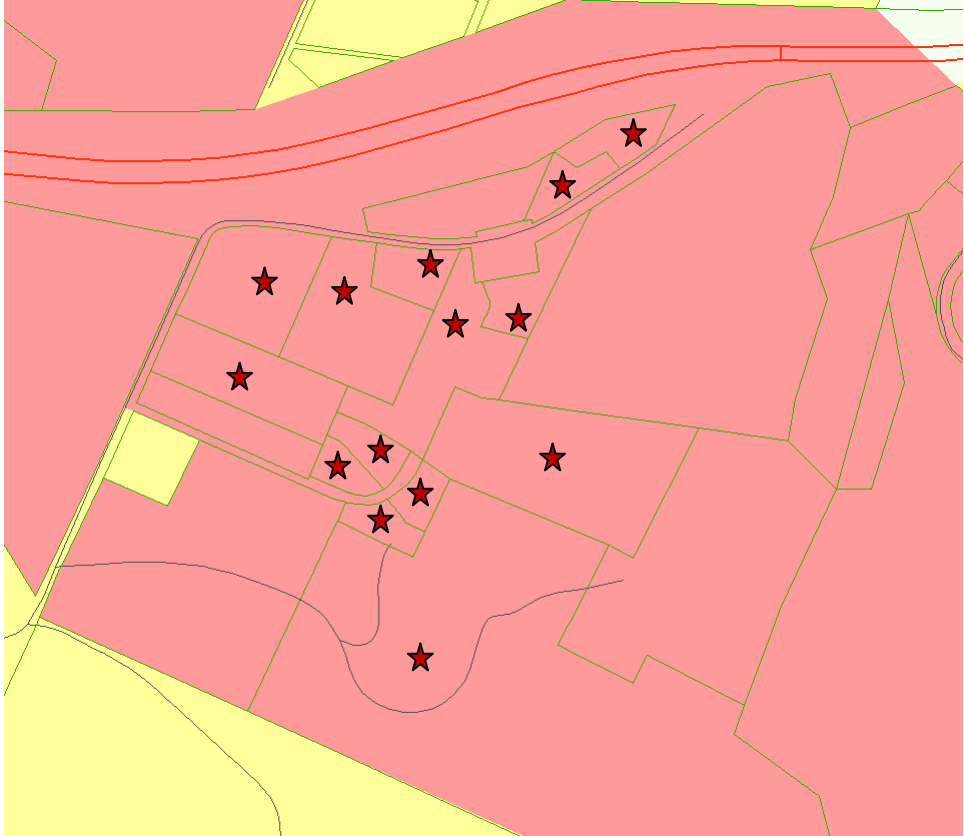
Jefferson County Planning Commission Meeting

December 9, 2014

Item #7

Request by River Riders, Inc. (File # PCW 14-04), to be represented by Allegheny Surveys, for a waiver from the following sections of the Jefferson County Subdivision and Land Development Regulations:

- Appendix B, Section 2.5.1
- Appendix B, Table 2.2-1
- Appendix B, Section 9.4.E
- Appendix B, Section 9.3, (Generally)
- Appendix B, Section 9.4.A. (Generally)

OWNER:	Matt & Laura Knott, River Riders, LLC.
DEVELOPER:	Same as owner
SURVEYOR/ENGINEER:	Allegheny Surveys
PROPERTY LOCATION:	408 Alstadts Hill Road, Harpers Ferry, WV
LEGAL DESCRIPTION:	<p>Tax District: Harpers Ferry (04), Map: 7, Parcels:10 and 10.1, Map 9, Parcels 61,62,63,63.1,66.1,69,70, 71,72,73, 74,75</p> 
ZONING DISTRICT:	Zoning Map Designation: Residential-Light Industrial-Commercial
SURROUNDING PROPERTIES:	<p>Zoning Map Designation:</p> <p><i>North:</i> RLIC <i>South:</i> RLIC/RG</p> <p><i>East:</i> RLIC <i>West:</i> RLIC/RG</p>
	Total Development: approx. 45 Acres
CONCEPT PLAN:	S13-07: Concept Plan Approved for expansion of the existing facility to incorporate an All-Inclusive Family Adventure Center

STAFF REPORT

Jefferson County Planning Commission Meeting

December 9, 2014

ZONING CERTIFICATES:	ZC 12-02: Aerial Adventure Park as an Accessory Use
ZONING VARIANCES:	ZV 14-19: Approval of elimination of the parking/drive aisle, building setbacks and landscape buffer requirements for internal lot lines only. ZV 98-38: Variance from sign provisions (denied 01-21-99)
PLANNING WAIVER:	PCW 14-01: Approval of Waiver to permit a grass parking area with minimal earthwork and grading and with a paved center drive aisle as shown on previously approved the Concept Plan as the "Seasonal Parking" area. Waiver is from Sections Appendix B, Section 2.5, Subsections A, C, D, E, G, H, I, J, K, L, M, N, and O; Appendix B, Section 9.4 A and C; Appendix B, Section 9.5 of the Jefferson County Subdivision and Land Development Regulations.
PROPOSED REQUEST	Waiver from Section 2.5.1; Table 2.2-1; Section 9.4.E; Generally Section 9.3; and Generally Section 9.4.A. regarding the grade of the internal drive aisles for the proposed All-Inclusive Family Adventure Center

1. Background

River Riders, LLC is working on a large project that involves a multi-step approval process. An approved Site Plan will be required prior to any site work occurring related to the All-Inclusive Family Adventure Park, which is an expansion of the existing Adventure Center and Outfitter to including additional zip lines, paintball, laser tag, zorbing, miniature golf, and other adventure related activities. The plan also includes expansion of existing lodging, dining, meeting, and storage facilities. New parking areas will be created to accommodate increased visitors.

The applicant has received approval of the following steps in this development process:

- **Concept Plan (S13-07) for full build out of Adventure Center** (PC Workshop held 2/25/14) -- The Plan includes multiple uses which include, but are not limited to, outdoor commercial recreational uses such as: aquatic activities, ropes courses, zip lines, paint ball, pavilions, as well as some indoor recreational activities, a bathhouse, a maintenance facility for equipment repair and storage, amphitheater, observation tower, cabins, a two-story six-unit vacation rental, RV and tent camping, and associated parking for all uses. The entire project shall consist of a total square footage of 24,800 square feet and is located at their current location on Alstadts Hill Road. The Planning Commission provided direction to the applicant regarding the proposal including the suggestion that a line of coniferous trees be planted in the 360 foot long linear area between the expanded vacation rental homes on Alstadts Hill Road and the proposed parking lot and noted that the Concept Plan lifted the single family restriction from Parcel 66.1, Tax Map 9 of the Harpers Ferry District.
- **Subdivision Regulation Waiver (PCW14-01)** (Approved by PC 4/18/14) to allow a large grass parking area with a County Grade paved center drive aisle/access road in the area shown on the Concept Plan as the "Seasonal Parking" with minimal earthwork and grading for overflow weekends. The Planning Commission approved the requested Waiver with the following conditions:

STAFF REPORT

Jefferson County Planning Commission Meeting

December 9, 2014

1. The seasonal parking to be the seasonal period from Memorial Day weekend to Labor Day weekend, which is 15 weekends, or 30 days.
 2. A site plan, either for this parking area only or as a part of the full site plan for the proposed development, shall be submitted prior to the construction of any improvements, and shall be required to show the following related to the seasonal parking area:
 - a. Full construction details of the paved center internal drive aisle.
 - b. A diagram of the area shown as "Seasonal Parking" will need to be clearly outlined with dimensions for the rows of parking and dimensions for each grass drive aisle to ensure the number of proposed parking spaces can be achieved in that location, and to depict that there is adequate space for safe and efficient internal circulation and sight distances where the parking lanes meet the center paved drive aisle.
 - c. The total number of designated ADA parking spaces is provided on-site (Applicant has agreed to this in the application).
 3. The number of ADA parking spaces shall be met, including the necessary handicap parking symbols and signage.
 4. The parking areas shall be delineated in such a way as to be able to identify parking spaces, drive aisle, and end of rows. This could be done by using concrete parking stops to denote parking spots, painted field markings on grass, or through the use of temporary movable delineators.
- **Zoning Variance (ZV14-19)** (Approved by BZA 11/13/14) to allow the development to occur across various property lines, eliminating the 10 foot landscape buffer and the parking lot, driveway and access drive setbacks along the internal lot lines of the various parcels and to eliminate the 25 foot building setback along the interior lots lines of the multiple lots that make up the River Riders All Inclusive Family Adventure Park.

2. **Overview of Requested Waiver**

The current application is a request for a waiver from Appendix B, Section 2.5:1; Table 2.2-1; Section 9.4.E; Section 9.3 (generally); and Section 9.4A (generally) of the Jefferson County Subdivision and Land Development Regulations. The applicant is requesting the following waivers:

- 1) To allow the grade to exceed 8% or 9 % (depending on which section of the Ordinance will apply) in limited areas as shown on the attached plat; and
- 2) To allow Reveille Road to remain "as is" for the existing purpose and for limited non-public access.

The previously approved Concept Plan and grass seasonal parking area both reflected Planning Commission's directive/desire to retain as much of the natural topography and vegetation as possible. Designing the internal roads in a manner that conforms to the Subdivision Regulation requirements would require substantial grading that would, in effect, defeat the purpose of the previous approvals.

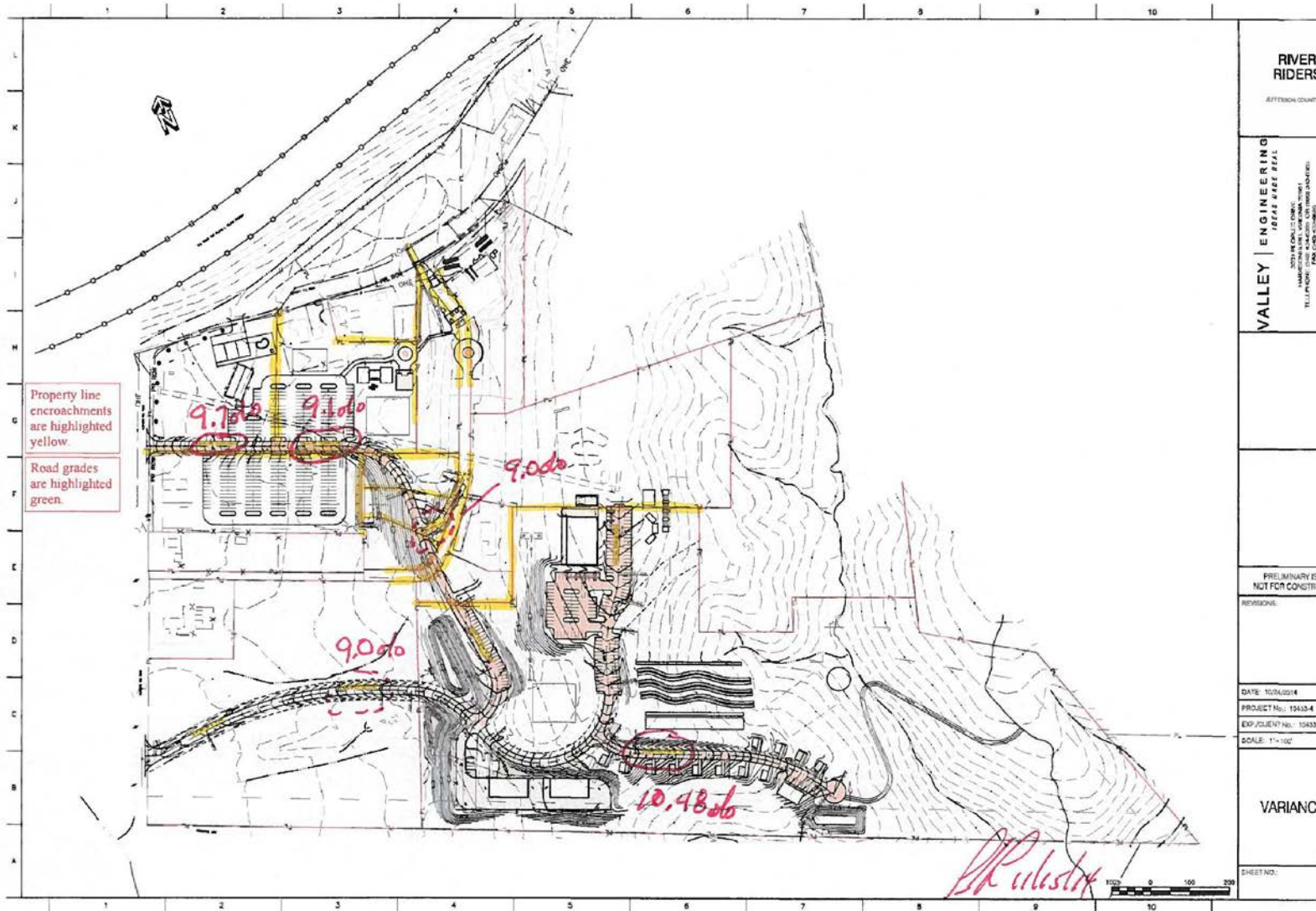
The applicant's application provides more detail regarding the need for these waivers. The following graphic depicts the main entrance road through the seasonal parking area and the access road serving the cabin area in the rear which are the subjects of this request. There is some question as to whether the 8% grade or 9% grade applies in some areas and Planning staff defers to Engineering in this discussion. It also portrays the existing Reveille Road which will serve employees

STAFF REPORT

Jefferson County Planning Commission Meeting

December 9, 2014

and an existing property owner only. The second waiver is that the applicant would like to leave



this existing road as constructed.

Waiver Criteria

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

STAFF REPORT

Jefferson County Planning Commission Meeting

December 9, 2014

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.

The granting of these waivers does not impact County maintenance costs as they are privately maintained roads. While this project has no open space or parkland requirements, retaining the seasonal parking in as natural a condition as possible, with minimal grading does, in effect, provide more open space along the US 340 corridor.

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

The waiver is not anticipated to have an adverse effect on the public health, safety or welfare or rights of adjacent property owners or residents as it will retain as much of the topography and natural vegetation as is feasible. Requiring the design of the roads to meet the County standards will require significant grading and redesign of the site in a way that is more likely to impact the neighboring properties.

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

The intent of the Subdivision Regulations is to have safe and usable drive aisles and roads serving commercial developments. The Regulations further support the preservation of natural conditions and minimizing significant grading of existing topography, particularly in hillside and environmentally sensitive areas. The requested waivers are intended to result in the least amount of disturbed area. The waivers are consistent with the approved the concept plan which included maintenance of the topography and trees in the natural condition.

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

The requested waivers allow the applicant to design the grass seasonal parking area and the full development in a manner that retains the natural conditions as much as possible, which, in turn, provide a better character of this area intended to provide a significant outdoor recreational area that highlights the County's natural features.

Regarding these waiver requests, the waiver criteria have been satisfied.

3. Staff Recommendation

Planning and Zoning Staff recommends approval of the requested waivers and defers to the Engineering staff regarding any specific design concerns.

Engineering Report

River Riders Waiver for Pavement Slope 12/09/2014

Request:

Matt and Laura Knott, Harpers Ferry Holdings, LLC, and River Riders, Inc. are requesting a waiver from the Jefferson County Subdivision and Land Development Regulations (2012), Section 2.5.I Off-Street Parking Standards, and Table 2.2-1 Roadway Design Standards, which states:

Section 2.5.I

I. Parking area access driveways and entrances leading from the public road or subdivision street, and also the parking area internal access drives connecting physically separated parking bays, shall not exceed an 8% grade.

Table 2.2-1

Maximum Road Grade 9.0%:

The applicant is requesting a waiver to increase the maximum slope 8% to 9.7% for section 2.5.I and 9% to 10.5% for Table 2.2-1.

Findings:

- The sections of road to have the slope increased appear to be limited to short sections and not the entire road length.
- The natural contours present a constraint to meeting the subdivision standards.
- The increase in slope would help in reducing the disturbed area.
- A short segment of road will utilize the 10.5% slope near the camping area which is away from the main facilities and less traveled.

Conclusion:

My understanding is that the increase in slope will be utilized only in limited areas due to constrain in the topography and the road section will be asphalt pavement. Therefore, engineering would recommend approval of this waiver.

Engineering Report

River Riders Waiver for Pavement Width 12/09/2014

Request:

Matt and Laura Knott, Harpers Ferry Holdings, LLC, and River Riders, Inc. are requesting a waiver from the Jefferson County Subdivision and Land Development Regulations (2012), Section 9.4 Internal Vehicular Circulation & Parking, which states:

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

1. Lead to parking areas; or are
2. Internal site driveways connecting separated parking bays; or
3. Provide vehicular access to loading docks, drive-in windows, etc., shall be designed to the following standards unless other design is justified by the design consultant and approved by the County Engineer:

Table 9.4-1

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

The applicant is requesting a waiver to leave Reveille Road in an as-is condition.

Findings:

- The road width varies from 11' to over 22'.
- Ditch line and a culvert would need to be installed.
- Slope issues are under a separate waiver.
- Pavement section is gravel.

Conclusion:

From the applicants request, my understanding is the applicant is proposing to leave Reveille Road in an as-is condition. If the waiver is granted, this means no

improvement would be needed for this road. Therefore, the following improvement would not be required:

- Ditch lines and culverts
- Concrete entrance apron
- Entrance width of 24' and road width of 22'
- Minimum 30' Radii
- Improvements to the State Highway

From an onsite visit, there appears to be a drainage issue near the middle of the street. Please see attached photo. Ditch lines and a culvert may address this issue. As for the front entrance, gravel appears to be tracked on Allstadts Hill Road. The entrance apron may help keep gravel from being tracked on the state road.

The Engineering Department recommends denial of the waiver to leave Reveille Road in an as-is condition. If this request was to reduce the required widths to a minimum of 18', I would be inclined to recommend approval but not for a blanket waiver of all requirements.





#JCV1704



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

Staff Initials: [Signature]
Sketch Received:
List of Adjoiners:
Fees Paid: \$100.00

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

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

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

Waiver Request

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

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

Property Owner Information

Name: Matt and Laura Knott, Harpers Ferry Holdings, LLC and River Riders, Inc.
Mailing Address: 408 Alstadts Hill Road, Harpers Ferry, WV 25425
Phone Number: 304/535-2663 Email: matt@riverriders.com

Applicant Contact Information

Name: Matt Knott (See Above) Mike Shepp (See Below)
Mailing Address:
Phone Number: Email:

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

Name: Allegheny Surveys, PLLC. Mike Shepp
Mailing Address: 401 South Fairfax Blvd, Suite 3, Ranson, WV 25438
Phone Number: 304/724-5008 Email: mshepp@alleghenysurveys.com

Physical Property Details

Physical Address 408 Alstadts Hill Road
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: Harpers Ferry Map No: Attached Parcel No: Attached
Parcel Size: Approx 45 Acres Deed Book: Attached Page No: Attached

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). R-LI-C is checked.

RECEIVED
NOV 18 2014
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Place Date Stamp Here

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

Section 2.5 I; Section 2.2-1; Section 9.4.E.
Generally Sections 9.3 and 9.4.A.

Briefly Describe the Nature of Your Waiver Request:

See Attached

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

See Attached

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

See Attached

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

See Attached

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

See Attached

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

Laura Knott 11/18/14
Signature of Property Owner Date

[Signature] 11-18-14
Signature of Property Owner Date

To Be Completed By Office

12/09/14 Date of Public Meeting/Public Hearing

11/25/14 Date Property to be Posted By

PLANNING COMMISSION Official/Administrative Body

_____ Date Adjoiner Letters to be Mailed

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

Approved Denied

Matt and Laura Knott
River Riders, Inc.
Harpers Ferry Holdings, LLC
Waiver Request
Sections: 2.5.I; 2.2-1; 9.4.E;
Generally Section 9.3; and,
Generally Section 9.4.A.
November 18, 2014

The Applicant is requesting a Waiver from the Jefferson County Subdivision and Site Development Ordinance. Although there are several cross references for these standards in the Site Development Ordinance, the essence of the request is as follows:

Appendix B, Section 2.2-1 is a Chart/Table that lists the maximum grade for a Commercial/Industrial Street as 9%.

After several iterations and reworking of extensive grading plans by the Applicant's Engineer, there are still three areas of internal streets/roads that exceed 9%. These are circled in red on the attached drawing. The first area is the main entrance road that goes through the seasonal parking area which the Planning Commission already approved keeping at existing grade and condition. In order to keep that parking area in natural condition, the grade for the access road will be 9.7% and 9.1%. In order to avoid extensive grading of the property where the Planning Commission approved remaining natural, the waiver is needed in this area. The only other area that exceeds 9% is the access road that ONLY serves the cabin area in the rear of the development. The proposed grading plan for this road shows a 10.48 percent grade. Limited amount of vehicles will use this road as it only accesses the cabins as shown on the attached plan. This waiver is needed or, there again would be extensive grading and trees removed in order to meet grade. This would be contrary to the Planning Commission's directive/desire to keep as much of the property in natural condition as possible.

Appendix B, Section 2.5.I. This section also mentions a maximum grade of 8% in certain situations of internal access roads.

The applicant is only citing this section, in case some of the internal access roads would qualify under this section. In addition to the three areas mentioned above, there are two other areas that would exceed 8% if Section 2.5.I. applies. These areas are circled with a dashed red line. Both of these are at 9%. Please note that one of these is already a portion of the existing Reveille Road. This road, including the grade, already exists and was previously constructed by the owner to be a County Grade Road. Also, the Applicant is not going to permit his customers/public to use this road. The Applicant will only allow employees to use this access.

Appendix B, Section 9.4.E. This portion of the waiver request only applies to the existing Reveille Road.

This section appears to require access roads to be 22 to 24 feet wide. The Applicant wishes to keep Reveille Road 'as is', without improving it anymore to County Standards then it already is

constructed. Again, this road already exists and the Applicant will only allow it to be used by employees. This will not be the public entrance point. The property that Reveille Road goes through will still continue to have access and there is also one additional user behind the Applicant's property that will continue to access the road, as well.

Generally, Appendix B, Section 9.3 Which refers back to Appendix B, Section 2.3.B. This section also requires 22' wide width of access road, in case Section 9.4.E. applies.

Again, this only applies to the existing Reveille Road and the intent is to keep the road, 'as is', as shown in the attached pictures.

Generally, Appendix B, Section 9.4.A. This portion of the waiver also only applies to the existing Reveille Road. This section refers to Appendix B, Section 2.5.

This section is a catch all to make sure nothing was missed for keeping the existing Reveille Road, 'as is' for a non-public access point.

Although it appears complicated with the various sections and cross references in the ordinance, the Applicant is only asking for two basic waivers from the ordinance:

1. To allow the grade to exceed 8% or 9% (depending on which section of the ordinance will apply) in limited areas as shown on the attached plat; and,
2. To allow Reveille Road to remain 'as is' for the existing purpose and for limited non-public access.

The Applicant is trying to be all inclusive, because, again, the intent is to allow this area to remain in natural condition. The Applicant is being cautious to include most of these sections of the ordinance regarding access for this area, so that he doesn't have to come back to the PC multiple times once the site plan is submitted.

The Applicant has spent a great deal of time and money working on a suitable grading plan since the Planning Commission approved the Concept plan earlier this year. This time and money was spent to make sure that the Applicant could design the project that was approved at Concept Plan in a manner that preserved the property in a natural setting with limited disturbances to the existing terrain and trees. It is important to the Staff, the Applicant and the Planning Commission that the site plan allows to keep the disturbance limited for this development because of the location of the site, the recreational/tourism aspect of the project and the sensitive natural state of the property. As you can see by the final layout of the attached grading plan, this was achieved after many months of effort by the Applicant and Engineer.

If these waivers aren't approved, the project would need to be redesigned with a grading plan that would require extensive grading and removal of the natural elements of the property. This was not recommended by the Planning Commission or the Staff when the Concept Plan was approved.

Matt and Laura Knott
River Riders, Inc.
Harpers Ferry Holdings, LLC
Waiver Request
Sections: 2.5.I; 2.2-1; 9.4.E;
Generally Section 9.3; and,
Generally Section 9.4.A.
November 18, 2014

Four Criteria:

1. *Explain how the design of the Project will provide public benefit in the form in the reduction of Public maintenance costs, greater open space, parkland consistent with the County Park Plans or benefits of a similar nature;*

This project will actually reduce the Public costs since this will provide a privately maintained recreational area and park that will supplement the County Parks. There will be no public maintenance costs involved as the infrastructure will be built and maintained with private funds.

Granting the waivers will actually provide greater open space, because the grading plan as designed reduces the amount of grading that will be necessary to construct and reconstruct the roads. If the waivers are denied, then a new design will be needed to meet grade which will require additional area of the property to be used to construct the roads. The grades requested will allow the most land to remain in natural and undisturbed open area.

This plan was approved unanimously by the Planning Commission at Concept Plan stage. The Commission asked the Applicant to work with the topography and natural landscape to keep as much of the land undisturbed as possible. The proposed grades and existing Reveille Road will allow that to be achieved.

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

If the waivers are not granted, the roads will have to be redesigned which would require the use of much more of the land to construct the roads to County standards. This would mean that some of the roads would actually have to get closer to some of the adjacent property owners to meet grade and standards. Using the existing grade and Reveille Road will limit the impact on the surrounding properties.

The project is designed to meet the other standards of the ordinance such as Stormwater Management. If the waivers aren't approved, then it will necessitate more disturbed area, thus creating the need for more SWM. However, if the waivers are granted less area will be needed for the development. This will allow more protections for the neighbors. The project will also receive Health and Highway Department approvals.

This concept plan already went through the Concept Plan Public Hearing/Work session phase. The public that did attend wanted a limited amount of disturbance.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

The ordinance supports the preservation of natural conditions. These waivers will allow the least amount of disturbed area. The hillside development section of the ordinance even allows these types of concessions in similar circumstances on sloped land to avoid the disturbance of the sensitive areas.

The Planning Commission actually approved the concept plan noting that they wanted to see as much of the area and trees preserved in the natural condition. This proposed grading plan and site plan does exactly what the Commission wanted the Applicant to do. In fact, the Applicant went back to the drawing board several times to keep the grading and new uses compatible with the existing terrain.

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

To comply with the ordinance, the Applicant would have to clear cut the vegetation and trees and make massive cuts and fills in order to develop the property as approved. However, these waivers will allow a great deal of the area to be retained undisturbed. The nature of the project is a commercial recreational and tourism based operation. It is in the best interest of all involved to limit the area that needs to be re-graded. Not only will the quality of the project be better, the County will be proud that the land wasn't stripped of its vegetation in an attempt to meet all of the standards of the ordinance.

These waivers will allow the Applicant to move forward with the project as the Commission intended when they approved the flexible nature of the Concept Plan.

#PCW14-04

Knott; River Riders, Inc.; and, Harpers Ferry Holdings, LLC
Subdivision Waivers
Deed Book and Tax Information
November 18, 2014

1. Proposal Property Information and Description:

Total Acreage: Approximately 45 acres

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

Harpers Ferry District:

Map 7:

Parcel 10	Deed Book 1140, Page 287	.7 acre
Parcel 10.1	Deed Book 1072, Page 233	.55 acre

Map 9:

Parcels 61	Book 1099, Page 732	2.5 acres
62	Book 1081, Page 423	2.4 acres
63	Book 1081, Page 423	.75 acre
63.1	Book 1081, Page 423	2.7 acres
66.1	Book 1105, Page 213	25.3 acres
69	Book 980, Page 239	1 acre
70	Book 965, Page 544	2.5 acres
72	Book 1146, Page 226	.33 acres
73	Book 1146, Page 226	.55 acres
71	Book 1105, Page 209	4.9 acres
74	Book 1099, Page 729	.43 acre
75	Book 1099, Page 734	.54 acre

PW14-04

Property line encroachments are highlighted yellow.
Road grades are highlighted green.



AK Industry

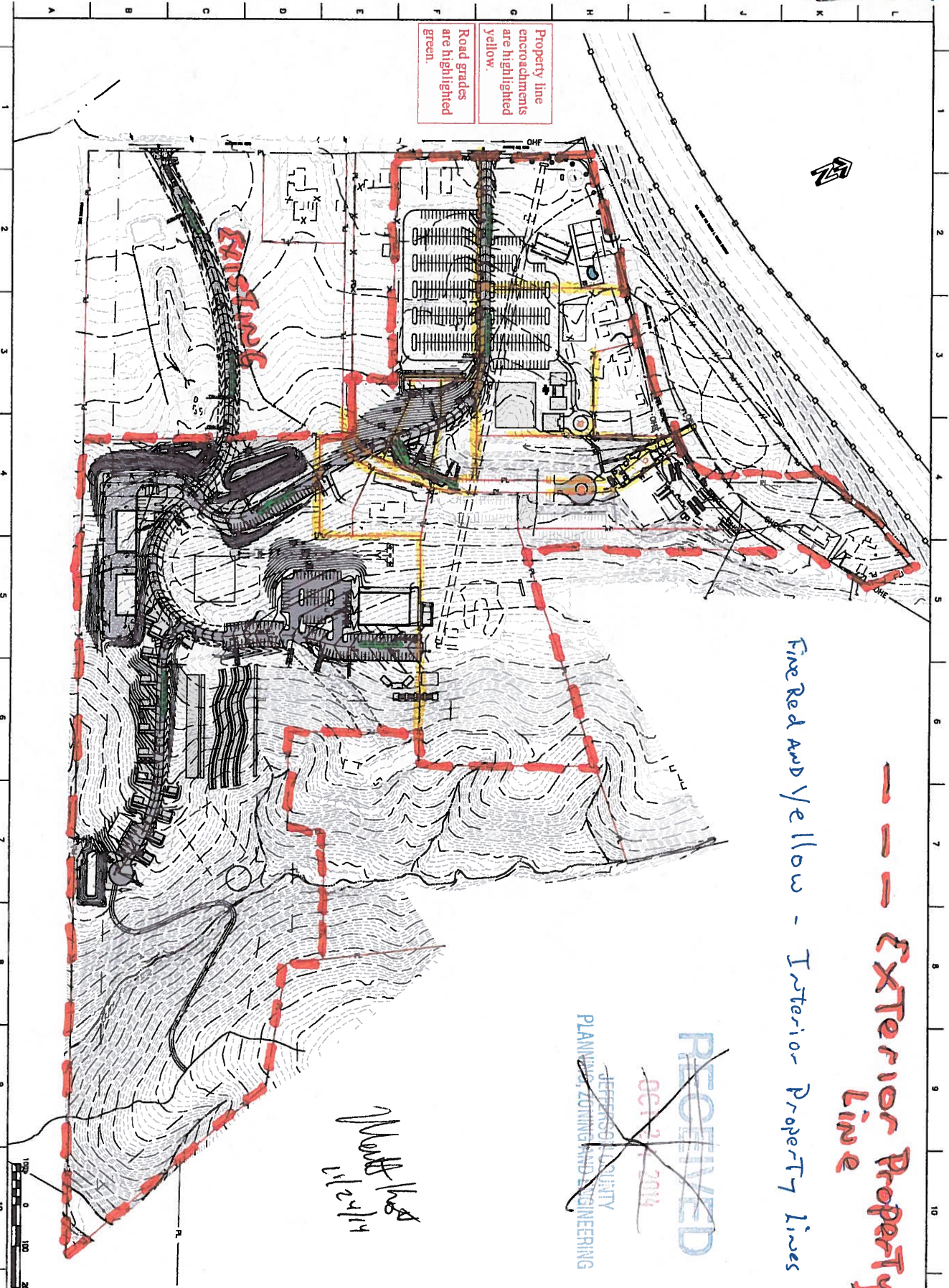
<p>RIVER RIDERS ATTENTION COMPANY, INC.</p>	<p>VALLEY ENGINEERING IDEAS MADE REAL</p> <p>3231 PEOPLES DRIVE HARRISONBURG, VIRGINIA 22801 TELEPHONE: (540) 434-6200 OR (800) 240-6162 FAX: (540) 432-0655 www.valleyeng.com</p>	<p>PRELIMINARY ISSUE NOT FOR CONSTRUCTION</p>	<p>DATE: 10/26/14 PROJECT NO.: 10433-4 DRAWING NO.: 10433-4 SCALE: 1" = 100'</p>	<p>VARIANCES</p>
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#P001404

--- EXTERIOR PROPERTY LINE

Blue Red And Yellow - Interior Property Lines

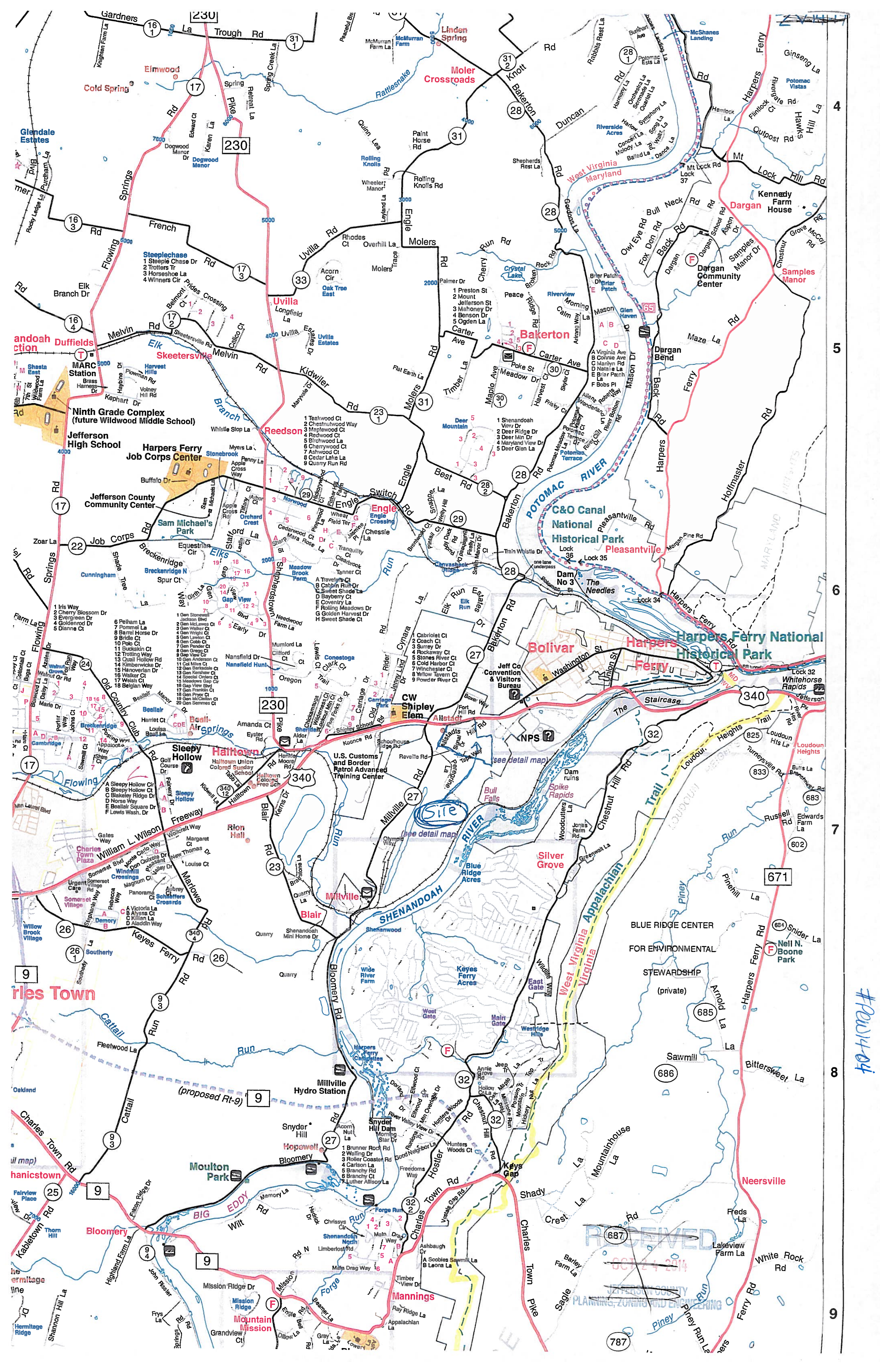
Property line encroachments are highlighted yellow.
Road grades are highlighted green.



North Arrow

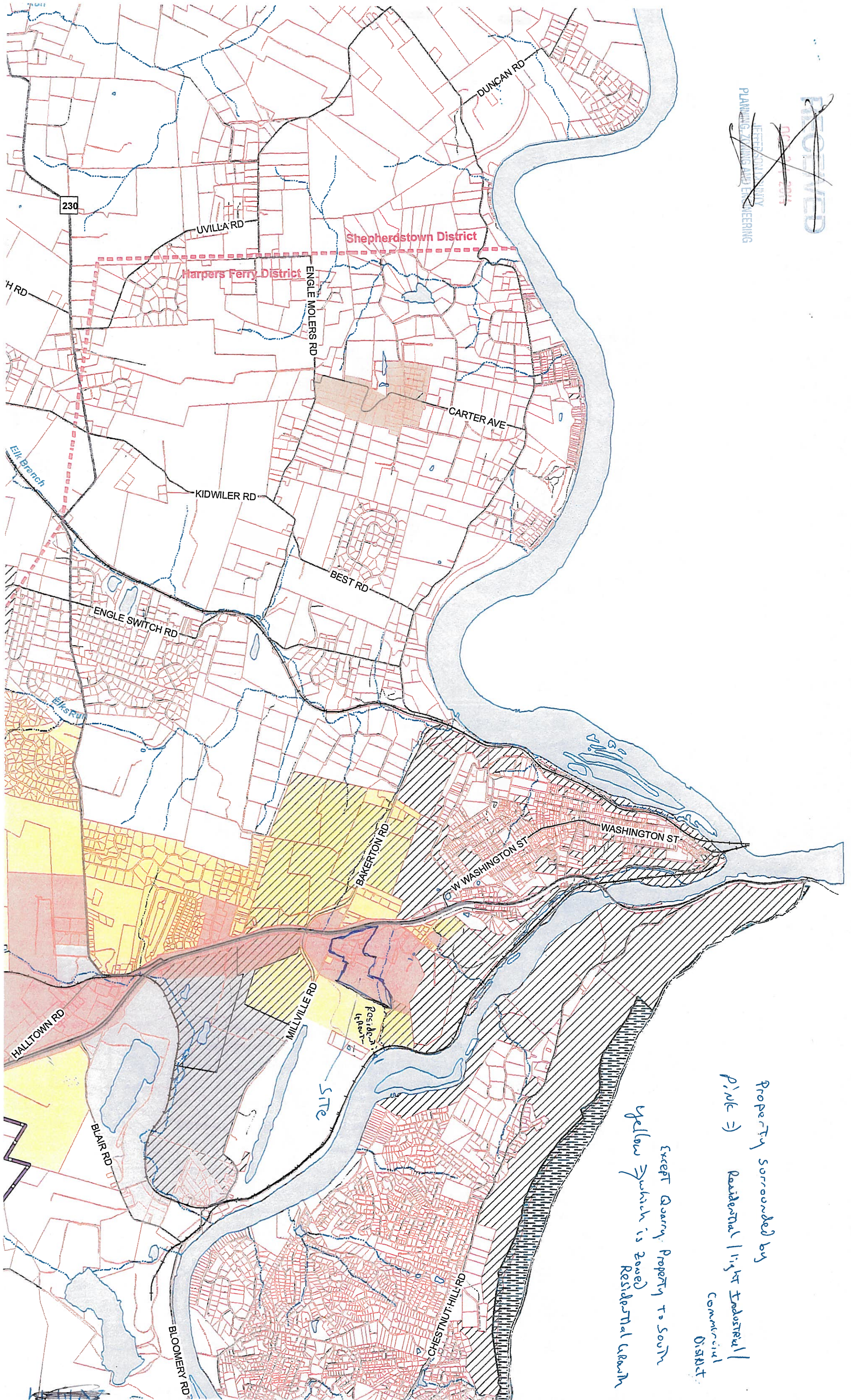
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PLANNING, ZONING AND ENGINEERING
OCT 21 2014

<p>RIVER RIDERS JEFFERSON COUNTY, WA</p>	<p>VALLEY ENGINEERING IDEAS MADE REAL</p> <p>3201 PEOPLES DRIVE HARRISONBURG, VIRGINIA 22801 TELEPHONE (540) 434-0306 OR (800) 343-0260 FAX (540) 437-0600 www.valleyeng.com</p>	<p>PRELIMINARY ISSUE NOT FOR CONSTRUCTION</p> <p>REVISIONS</p>	<p>DATE: 10/20/14 PROJECT NO.: 10034 EIR CLIENT NO.: 12034 SCALE: 1"=100'</p> <p>VARIANCES</p> <p>SHEET NO.</p>
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#P001404



Property surrounded by
 pink => Residential light Industrial / Commercial District
 except Quarry Property to South
 yellow which is zoned Residential (medium)

Zoning

PWD 1404

This information is
Tab # 8 of your binder



JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning

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

File Number: # 714-02
Staff Initials: CLC
Application Fee: \$ 1050.00

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

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

Phone: (304) 728-3228

Fax: (304) 728-8126

Zoning Map Amendment (Rezoning)

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

Property owner information

Name: David N. Slusher
Mailing Address: P.O. Box 197; Rippon, WV 25441
Phone Number: (304)728-8350 Email: davessales@frontiernet.net

Applicant contact information

Name: David N. Slusher
Mailing Address: P.O. Box 197; Rippon, WV 25441
Phone Number: (304)728-8350 Email: davessales@frontiernet.net

Applicant representative

Name: Gordon Associates; Chad Wallen
Mailing Address: 301 North Mildred Street, Suite 1; Charles Town, WV 25414
Phone Number: (304)725-8456 Email: cwallen@gordon.us.com

Physical property details

Physical Address: Southeast corner of the Route 340 / Straithmore Farm Lane / Wheatland Road Intersection
City: Wheatland State: WV Zip Code:
Tax District: Kabletown (6) Map No: 11 Parcel No: 3.2
Parcel Size: 0.98+/- Acres Deed Book: 819 Page No: 754

Current Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (O/C). Rural (R) is checked.

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Place Received Date Stamp Here

Proposed Zoning District (please check one)

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

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

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

See Attached

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

See Attached

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

See Attached

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

- Yes, I request that the Planning and Zoning Staff present the petition
- No, I prefer to present the petition

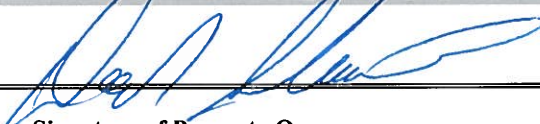
Plat or Sketch Plan (provide as an attachment to this application)

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

Is Plat or Sketch Plan attached?

Yes **No**

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

	11-10-14	
Signature of Property Owner	Date	Signature of Property Owner

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Recommended **Not Recommended**

The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Approved **Disapproved**

Final Determination/Other Comments

Zoning Map Amendment Application Addendum

Slusher Property

November 7, 2014

Owner / Applicant:

David Slusher
P.O. Box 197
Rippon, WV 25441

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Substantiation for Request:

1. **Allowed use for the property under the Rural Zoning District.** Due to the property's location and current use there is not a fiscally viable alternative to the current commercial use. The area of the property is less than one acre which limits its use as an agricultural property. Proximity to Route 340 and required setbacks would preclude the development of the property as residential use.
2. **The designation as General Commercial will reflect the property's historic use.** Commercial use of the property dates back to the 1930's and the current use for auto sales existed prior to the adoption of zoning in Jefferson County. The continued successful use of the property demonstrates the value of the property as a commercial use.
3. **The adoption of zoning in Jefferson County failed to recognize the property owner's investment in a commercial property.** The property was purchased by a small business owner with plans on maintaining a business while building equity in the property. The adoption of zoning in 1988 removed part of the potential equity and left a property which is a non-conforming use. The requirement for future zoning certificates or LESA evaluations will place an unnecessary burden in the future marketing for the commercial structure.
4. **Current and planned uses in the vicinity of the property recognize the Route 340 corridor as an appropriate area for development.** The property across Route 340 and northwest of the intersection is zoned Commercial-Industrial, the subject property abuts

the Charles Town Urban Growth Boundary to the north and the draft 2014 Comprehensive Plan identifies a Preferred Growth Boundary 0.3+/- miles to the south. This recognizes this segment of the Route 340 corridor as a preferred area for development and commercial uses.

5. **No burden would be placed on existing public infrastructure with this rezoning.** The property will not require the extension of utilities and will not create additional needs on the school system or other County facilities. The continued use as a commercial property will help maintain the tax base in Jefferson County.

Property Tax Identification:

Kabletown District (6), Map Number 11, Parcel 3.2

Deed information:

Deed Book 819, Page Number 754

Property Characteristics:

Location: Southeast corner of the Route 340 / Straithmore Farm Lane / Wheatland Road intersection.

Current Zoning: Rural

Current / Historic Use: Commercial

Tract Size: 0.98+/- Acres

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

The subject property is an existing non-conforming use which predates the implementation of zoning in Jefferson County. The applicant is requesting that the General Commercial Zone be granted to correct the non-conforming status of the property. The first commercial use of the property dates back to the 1930's and the current use of auto sales began in 1986. The commercial history of the property includes tractor repair shop, auto sales / service, machine shop and numerous other commercial uses.

The property was purchased as a commercial enterprise and has since been devalued with the inaccurate Rural Zoning designation being placed on the property in 1988. The Applicant wishes to maintain the value of the property going forward. While there are no immediate intentions to change

the current use of auto sales, the Applicant needs to maintain flexibility going forward to ensure that the property is marketable and does not become a structure with no feasible permitted use. A structure which does not have a permitted use will inevitably become abandoned and deteriorate over time.

The existing structure is not suitable for residential use. The buildable area of the property contains parking, a building and storage shed. The conversion of this property to a residential, agricultural or other permitted use in the Rural District is not fiscally viable. The continued use as commercial is the only option for maintaining this property.

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

- ***Chapter 2, Statement of Goals: Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable cost to the community.***
 - **The property will not require the extension of utilities.** Sanitary sewer and water is provided through private well and drainfield. This service will be maintained at the burden of the property owner and will be of no cost to the community.
 - **The proposed use of the property will not require the use of any public facilities.** The property is self-contained and does not depend on public facilities to continue as a permitted use under the General Commercial district. The property would require the use of schools and other public facilities if converted to a residential use as is permitted under the current Rural zoning district.

- ***Chapter 2, Statement of Goals: Encourage and support commercial, industrial, and agricultural activities to provide a diversified and sound local economy.***
 - **The historic backbone of Jefferson County is built on small business.** The property owner has contributed to this backbone through his investment in an existing commercial property in Jefferson County. Denying the future commercial use of the property denies the property owner a return on his investment in the County.
 - **The granting of the General Commercial zone will support the continued use of the property as a local business.** As discussed previously, the property and existing building have been a commercial use for approximately 80 years. Allowing the property to be properly zoned will help maintain its historic use, encourage local business and support the local economy.

- ***Chapter 2, Statement of Goals: Support and protect private property rights while supporting and protecting overall public health, safety and general welfare.***

- **The property was purchased as a commercial property prior to the adoption of zoning.** The adoption of zoning by Jefferson County in 1988 did not account for the historic use of the property and devalued a property which was a known commercial establishment. The implementation of zoning immediately made the commercial structure a non-conforming use. Any future efforts to sell the property will be impaired by requiring a zoning certificate or LESA evaluation for every potential use of the property. If zoned properly as General Commercial, the property will maintain its current and historic commercial use.
- **The overall public health, safety and general welfare will not be impacted.** The change in the zoning designation of the property will not alter its existing function as a commercial use and will not alter the character of the community.
- ***Recommendation 3.18: The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities in the workforce.***
 - **Supporting existing business will help maintain the current economy and diversified tax base.** It is equally important to retain commercial uses as it is to attract new business. While the recommendation is to attract new business, it should be implied that retention is part of that effort.
- ***Existing Zoning Map***
 - **Surrounding properties are zoned for more intensive uses than the proposed General Commercial District.** Land across Route 340 and northwest of the property is zoned Industrial-Commercial. The Industrial-Commercial Zone allows for the most intense land use in the County and is currently abutting and across from land which is designated as Rural, which allows only the least intense uses permitted in the Zoning Ordinance. There is a lack of a transitional zone between these industrial zoned properties and the subject property. The location of this industrial zone also supports the reasoning that the subject property is in a suitable location for commercial development.
 - **The subject property abuts the City of Charles Town Urban Growth Boundary.** The Urban Growth Boundary identifies land in which Jefferson County believes is more appropriate for urbanized development when considering future development within the County. The location of the subject property in relation to the Urban Growth Boundary reinforces that this area is appropriate for the General Commercial Zone.
 - **The 2014 draft Comprehensive Plan identifies a preferred growth boundary 0.3 miles south of the property.** While still in draft form, the location of this boundary continues to identify that this segment of Route 340 is suitable for growth and development.

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

- **Increasing traffic flow on Route 340 has enabled the subject property to remain viable as a commercial use.** Route 340 has historically been a primary transportation route in Jefferson County. Traffic on Route 340 has continued to grow with population and the expanding road system in adjacent Frederick / Loudoun Counties. As a major traffic corridor in Jefferson County, commercial and industrial uses gravitate to Route 340. The planned commercially zoned land along this corridor demonstrates the appropriateness of this zoning request. The longevity of the property as a commercial use over approximately 80 years has been accomplished by the continuing traffic increase on Route 340.
- **The future expansion of Route 340 will increase the viability for commercial uses along this corridor.** This segment of Route 340 has had multiple studies and it is generally agreed that it will be expanded from a two lane road to a four lane divided road. Segments of Route 340 to the north and the south are currently a four lane divided road. It is of sound planning practice to locate commercial uses near the areas of major traffic corridors opposed to local roadways. The expansion of Route 340 demonstrates the changing value for the use of land along this corridor.

This information is
Tab # 11 of your binder



Jefferson County, West Virginia

Departments of Planning & Zoning

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

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

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

MEMORANDUM

TO: Planning Commission/County Commission
FROM: Jennifer Brockman, AICP, Director
DATE: December 9, 2014
RE: Updated Reducing Regulatory Barriers

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

1. The adoption of the 2008 Subdivision Regulations increased the number of lots permitted via a minor subdivision from 2 lots and a Residue to 4 lots and a Residue. A minor subdivision does not require the applicant to make any site improvements and is approved by Staff.
2. The updates to the 1988 Zoning Ordinance broadened the permitted uses in the Rural Zoning District to include a significant number of uses that are intended to promote the rural agricultural economy and value added production/processing, including the following provisions (ZTA 13-01):
 - Permits the Zoning Administrator to waive parking standards for seasonal or temporary uses, agricultural uses, events or other types of uses that do not require parking on a regular basis such as Farm Markets, provided that required graphic information is submitted with the Zoning Certificate application.
 - Developed clearer definitions and standards for Farm Winery, Farm Brewery and Farm Distillery, including the provision that all structures associated with the operation of a farm winery, farm brewery and farm distillery have been increased from 10,000 square feet to 20,000 square feet.
 - Standards for "Accessory Agriculture Dwelling Units" for farmworkers or caretakers on a property for which the primary use is agricultural have been developed. This is now a Principal Permitted Use in the Rural Zone.
 - Standards for "Rural Receptions/Event Facilities" for such activities as weddings have been developed. Small event facilities are only permitted in the Rural zone

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

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

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

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

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

installation of sidewalks. The amendment allows an administrative relief of the requirement if in the opinion of staff a pedestrian/bike easement is of a greater benefit than the installation of sidewalks.

12. Changes have been made regarding the requirement of a Traffic Study for a proposed development. Previously, when a site plan triggered a certain number of peak hour trips per day, a traffic study would be required. The amended requirement allows the applicant to first work with the WVDOH on any improvements the WVDOH may have in the area near the proposed development prior to conducting a traffic study. This allows the applicant to substitute the requirement for a traffic study with improvements that WVDOH knows are needed near the proposed project. This allows known and needed improvements to happen without the applicant conducting a traffic study. If there are no proposed improvements that the WVDOH has identified for the location of the proposed project, the applicant will have to conduct a traffic study.
13. The Compatibility Assessment Meeting was removed from the approval process for proposed restaurants, where the primary mode of food distribution is by pick-up counter or drive in window, and for proposed convenience stores to be located in a planned shopping center.
14. A provision was added to allow the rear yard setback for decks on townhome lots to be reduced to 10 feet, provided that the rear lot abuts a dedicated easement or common property area and is not a lot that includes a residence. This should relieve such property owners from processing a Variance before the BZA. (part of ZTA 12-01)
15. New Commercial Zoning Categories (ZTA 12-01): In 2009, the Zoning Ordinance had only two commercial districts: Residential-Light Industrial-Commercial and Industrial – Commercial. This was a concern among the public, the Planning Commission, and the County Commission during rezoning hearings. Seven new commercial zoning categories were approved to allow uses that are more appropriately tailored to each district. Such districts are typically found in many other communities that have zoning ordinances.
16. It was determined that properties that are already occupied by a structure or previously paved should not have to apply the Soils component of the LESA point analysis for a Conditional Use Permit (CUP). Approval of this amendment allows the redevelopment of non-farm rural properties through the CUP process. (part of ZTA 12-01)
17. Landscaping provisions were in need of a complete review. As a first step, a new standard was approved related to the required 10 foot side and rear buffer planting strip for abutting non-residential properties to allow better visibility and compatibility between uses while still providing shade, aesthetics and reducing storm water runoff. (ZTA 14-01)

ITEMS STILL NEEDING REVISIONS:

1. When Envision Jefferson 2035 is approved, proposed Zoning Ordinance and Subdivision Regulations Text Amendments included in the Plan should be listed and prioritized.

2. The BZA recently overturned the Zoning Administrator's interpretation of Section 5.7(D)(3) and the language in this Section needs to be amended to reflect the intent stated by the BZA.
3. Review of the DRS/LESA Point System (Articles 6 & 7 of the Zoning Ordinance).
4. Review of Landscape and Buffer Requirements (Subdivision Regulations, Section 4.11).
5. Review of Parking standards (Zoning Ordinance), possible revisions include clarifying when gravel lots can be utilized and how they should be designed.
6. Signage Regulations (Zoning Ordinance) need a complete review and possible revisions.
7. Provisions relating to campgrounds in both the Zoning Ordinance and Subdivision Regulations need to be reviewed and clarified.



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Director's Report Planning Commission Meeting December 9, 2014

- 1) Status of Zoning Administrator Search
- 2) Recent/Upcoming CC Actions relevant to Planning:
 - a) Envision Jefferson 2035 Comprehensive Plan – status update of 2014 Comp Plan effort and discussion of next steps:
 - CC Workshop regarding for the Envision Jefferson 2035 Comprehensive Plan Land Use Map – Wednesday, December 3, 2014, 7:00 pm
 - CC Workshop regarding comments received on PC Redlined Version of the Draft 2014 Comprehensive Plan, entitled Envision Jefferson 2035 – Thursday, December 11, 2014 9:30 am
 - Action required on draft Envision Jefferson 2035 Comprehensive Plan by January 14, 2015
 - b) County Commission Public Hearing on proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) was held on Wednesday, October 1, 2014 (*County Commission workshop TBD in January 2015*)
- 2) Planning Commission Training – date and time TBD
 - Required 2 hour training every year
 - Orientation for New Members
- 3) Upcoming PC meetings
 - a) Next Regular Meeting: **January 13, 2014**