CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • DECEMBER 2, 2024

Regular Session **COUNCIL CHAMBERS** **7:00 PM**
101 E Washington Street, Charles Town, WV 25414

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

: **2024-1203:** City Council Meeting Minutes - November 18, 2024
CityCouncilMeetingMinutes_18Nov2024_Draft_rmt.pdf

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

6. COMMITTEE REPORTS

: **2024-1182:** Ordinance Committee - November 21, 2024

: **2024-1194:** Infrastructure Committee Meeting - October 21, 2024

7. CITY MANAGER REPORT

: **2024-1205:** City Manager Report - December 2, 2024
City Manager Report - December 2, 2024.pdf
2024 Revive Grant Awards.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2024-1188:** Property Acquisition - Possible Executive Session

: **2024-1183:** Public Hearing - *ZMA2024-03* Ann Street Rezoning -2nd read

: **2024-1190:** *ZMA2024-03* Ann Street Rezoning -2nd read
1. Staff Report.pdf
2. Application.pdf
3. Narrative.pdf
4. Sketch Plan.pdf

10. NEW BUSINESS

: **2024-1201:** Public Hearing: *ZMA204-04* Vinton-Hayes Rezoning

: **2024-1184:** *ZMA204-04* Vinton-Hayes Rezoning - 1st Read
1._Staff_Report.pdf
Application.pdf
Market Analysis.pdf
COA Revised.pdf
Topography.pdf
Revised Plan 2.pdf

: **2024-1133:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 1 Administrative Code, Chapter 5 Administrative, Article 148 Schedule of Appeal Fees and Other Charges, Section 148.06 Planning and Zoning Services
1. Report.pdf

: **2024-1155:** Options for Creative Street Dining Discussion
The Parklet Pandemonium - Morgantown magazine.pdf
New outdoor dining area coming to downtown Morgantown - Dominion Post.pdf

: **2024-1179:** 2025 Proposed City Council Meeting Schedule
2025 Council Meeting Schedule.pdf

: **2024-1180:** 2025 City of Charles Town Holiday Calendar
2025 City of Charles Town Holiday Schedule.pdf

: **2024-1181:** Stone Spring Walking Trail Study
2022-003 - Resolution to Repeal and Replace the Conditions of Annexation for the Fritts Property (1).pdf

: **2024-1187:** City Led Public Meeting on Route 51 Project Discussion
WV51_2022-07-05 City Council meeting.pdf

: **2024-1195:** City Council Liaison's Report - Eastern Panhandle Transit Authority

: **2024-1196:** City Council Liaison's Report - Hagerstown/Eastern Panhandle Metropolitan Planning Organization

: **2024-1197:** City Council Liaison's Report - Jefferson County Development Authority

: **2024-1198:** Department of Transportation/Department of Highways Site Visit Report

: **2024-1199:** Infrastructure Retreat Discussion - Agenda Proposal and Date

: **2024-1200:** Legislative Priorities Discussion

: **2024-1202:** A Resolution to Shop Small Business December 2024
Shop_Small_Bus_Resolution_Dec2024.pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

12. APPROVAL OF BILLS

: **2024-1204:** Approval of Bills - December 2, 2024
CAPITAL RESERVE COUNCIL REPORT 2024 11 30.pdf
GENERAL FUND COUNCIL REPORT 2024 11 30.pdf
BUILDING COMM COUNCIL REPORT 2024 11 30.pdf

PARKS N REC COUNCIL REPORT 2024 11 30.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING December 16, 2024, at 7:00PM

: **2024-1192:** U.S. EPA Region 3 Thriving Communities Grant
Charles Town Thriving Communities Grant.pdf

: **2024-1193:** Charles Town Police Department October Statistics
October 2024 CTPD Stats.pdf

15. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at: https://www.charlestownwv.us/government/agendas-and-minutes/

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1203: City Council Meeting Minutes - November 18, 2024

ATTACHMENTS:

- CityCouncilMeetingMinutes_18Nov2024_Draft_rmt.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • November 18, 2024

Regular Meeting **Council Chambers** **7:00 PM**

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Bob Trainor	Mayor	Present	
James Kratovil	Councilmember	Present	
Elizabeth Ricketts	Councilmember	Present	
Jeff Hynes	Councilmember	Present	
Kevin Tester	Councilmember	Present	
Julie Philabaum	Councilmember	Present	
Priscilla Rodd	Councilmember	Remote	
Micheal George	Councilmember	Present	
Andie Sugrue	Councilmember	Present	

Mr. John Nissel, City Manager; Ms. Stephanie Grove, City Attorney; Ms. Alissa Meeks, Community Development Director; Ms. Kristen Stolipher, Charles Town Utility Board (CTUB); Mr. James Newman, City Planner; Ms. Liz Cook, Business Development/ Downtown Coordinator; Mr. Cory Lewis, Code Compliance Officer; and Chief Chris Kutcher, Charles Town Police Department (CTPD) were also in attendance.

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2024-1140: City Council Meeting Minutes - November 4, 2024

There being no corrections, additions, or changes, Mayor Trainor declared the November 4, 2024, meeting minutes approved.

3. PUBLIC COMMENT

Nine people expressed their support for the City's Private Outdoor Designated Area (PODA) initiative.

Ms. Stroud expressed her concern regarding eminent domain being used to acquire vacant lots located on N. George Street. She also expressed her desire for the City to include a dog park on the property should it be acquired by Charles Town.

Mr. Tolbert expressed his disappointment that the WV Division of Highways (DOH) Route WV51 Field Review, scheduled for November 19, is not a public meeting. He requested that the City hold their own public meeting, inviting DOH representatives, to discuss the proposed project's impact on the City's west end residents.

4. WARD REPORTS

Ward #1

Ms. Ricketts had nothing to report.

Mr. Kratovil had nothing to report.

Ward #2

Mr. Hynes had nothing to report.

Mr. Tester had nothing to report.

Ward #3

Ms. Philabaum had nothing to report.

Ms. Rodd had nothing to report.

Ward #4

Mr. George reported that tickets for the Old Opera House's production of "A Christmas Story - The Musical" are now on sale. The show will run December 5, 6, 7, 8, 13, 14 & 15.

Ms. Sugrue reported that the cat colony on Southwinds Drive has been removed. All the cats were trapped with two being given new homes and the others being kept as indoor cats. She also reported that on Wednesday, November 20, 2024, the Walk About Nothing with Edward Erfurt will take place at 6:00PM and all are welcome.

5. MAYOR'S REPORT

Mayor Trainor read into the record a letter from Senator Shelley Moore Capito congratulating the City on the groundbreaking of the Augustine Trail.

2024-1159 Conditions of Annexation Committee for Prospect Place/Willow Springs

The Council confirmed that the committee authorized at the November 4, 2024, Council meeting for reviewing the conditions of annexation for Prospect Place/Willow Springs would consist of Mayor Trainor, Councilmembers Jeff Hynes and Julie Philabaum and appropriate members of City staff.

6. COMMITTEE REPORTS

2024-1141: Infrastructure Committee - November 4, 2024

The November 4, 2024, Infrastructure Committee report was not presented.

2024-1138: Personnel Committee - November 12, 2024

Mr. George reported that the Personnel Committee continues to work on the City's sick leave policy and employee handbook.

2024-1139: Finance Committee - November 13, 2024

Mayor Trainor reviewed the Finance Committee report with the Council. He also corrected item 2024-1134 of the report – Audit Committee appointment, substituting Councilmember Hynes for Councilmember Philabaum.

7. CITY MANAGER REPORT

2024-1168: City Manager Report - November 18, 2024

Mr. Nissel reviewed the City Manager Report with the Council.

8. POLICE CHIEF REPORT

Chief Kutcher reviewed the Charles Town Police Department October Statistic Report with Council. He also announced that there will be a promotional test for the open corporal position(s) on November 22, 2024, and that a new-hire testing date has been scheduled for December 7, 2024.

9. UNFINISHED BUSINESS

2024-1142: Public Hearing: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulations and Taxation Code, Chapter 3 Taxes and Service Charges, Article 741 Municipal License Tax, Section 741.99 Penalty

Mr. Hynes moved to open the public hearing. Mr. Tester seconded the motion, and there were no objections.

Staff announced that no one had signed up for the public hearing.

Mr. Hynes moved to close the public hearing. Mr. Tester seconded the motion, and the public hearing was closed.

2024-1143: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulations and Taxation Code, Chapter 3 Taxes and Service Charges, Article 741 Municipal License Tax, Section 741.99 Penalty

Ms. Philabaum moved to approve the second reading. Mr. George seconded the motion. Mr. Hynes recommended that on packet page 47, line 8, last sentence of paragraph (a), the word "on" be replaced with "one". There were no objections, and the motion passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Julie Philabaum
SECONDER:	Micheal George
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-1144: Public Hearing on the Consideration for adoption on third reading of the following ordinance (with 3% 20-year $216,016 funding):

Ordinance Authorizing The Acquisition And Construction Of Additions, Betterments And Improvements To The Sewerage Portion Of The Existing Public Combined Waterworks And Sewerage System Of The City Of Charles Town And The Financing Of The Cost Thereof, Not Otherwise Provided, Through The Issuance By The City Of Not More Than $2,844,984 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 A (West Virginia Srf Program); Not More Than $216,016 In Aggregate Principal Amount Of

Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (West Virginia Srf Program)And Not More Than $500,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 C (West Virginia Srf Program/Forgivable) Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Bond Purchase Agreement Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds And Adopting Other Provisions Relating Thereto

Mr. Hynes moved to open the public hearing. Mr. Tester seconded the motion, and there were no objections.

Staff announced that no one had signed up for the public hearing.

Mr. Hynes moved to close the public hearing. Mr. Tester seconded the motion, and the public hearing was closed.

2024-1145: Consideration for adoption on third reading and enactment of the following ordinance (with 3% 20-year $216,016 funding):

Ordinance Authorizing The Acquisition And Construction Of Additions, Betterments And Improvements To The Sewerage Portion Of The Existing Public Combined Waterworks And Sewerage System Of The City Of Charles Town And The Financing Of The Cost Thereof, Not Otherwise Provided, Through The Issuance By The City Of Not More Than $2,844,984 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 A (West Virginia Srf Program); Not More Than $216,016 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (West Virginia Srf Program)And Not More Than $500,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 C (West Virginia Srf Program/Forgivable) Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Bond Purchase Agreement Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds And Adopting Other Provisions Relating Thereto.

Mr. George moved to approve the second reading. Mr. Tester seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Micheal George
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-1147: Private Outdoor Designated Area (PODA) Committee Presentation

Mr. George moved to refer the Public Designated Outdoor Area (PODA) to the Ordinance Committee. Ms. Philabaum seconded the motion, and it passed by a 7-1 vote.

RESULT:	**APPROVED [7-1]**
MOVER:	Micheal George
SECONDER:	Julie Philabaum
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, George, Sugrue
NAYS:	Rodd

2024-1148: Property Acquisition - Possible Executive Session

Mr. Hynes moved to enter into Executive Session. Mr. Kratovil seconded the motion, and there were no objections.

Ms. Sugrue recused herself citing possible conflict of interest.

Mayor Trainor declared the Council in Executive Session.

Mayor Trainor declared the Council out of Executive Session.

The Council agreed not to take action on this agenda item.

10. NEW BUSINESS

2024-1130: BR2024-12: Bond Reduction Request for Stone Spring Phase 1

Mr. George moved to approve the bond reduction request in the amount of $4,112,286.49 for the Stone Spring development from $5,230,776.66 to $1,118,490.17. Mr. Hynes seconded the motion, and it passed by a unanimous vote.

Mr. George requested an agenda item be added to the December 2, 2024, council meeting agenda discussing the Ward #4 trail study that was included in City of Charles Town Resolution 2022-003.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Micheal George
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-1132: ZMA2024-03: Ann Street Rezoning - First Read

Mr. Kratovil moved to approve the first reading of rezoning approximately .81 acres of land on Ann Street from Old-Town Residential to Planned Unit Development for one single family detached home and nine townhouses. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Kratovil
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-1149: Community Development Code Enforcement Presentation

Ms. Meeks and Mr. Lewis presented the City's Code Enforcement processes and enforcement activities.

2024-1135: General Fund Budget Revision #2

Mr. George moved approve the General Fund Budget Revision #2. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Micheal George
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-1152: EPA Region 3 Thriving Communities Grant

Ms. Ricketts moved to authorize Mr. Matt Ward to work with the City Manager and Community Director to prepare a final EPA Region 3 Thriving Communities Grant. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Elizabeth Ricketts
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-1153: Supplemental Resolution Providing As To Principal Amount, Date, Maturity Date, Redemption Provision, Interest Rate, Interest And Principal Payment Dates, Sale Price And Other Terms Of The Combined Waterworks And Sewerage Revenue Bonds, Series 2024 A (West Virginia Srf Program); Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (West Virginia Srf Program); And Combined Waterworks And Sewerage Revenue Bonds, Series 2024 C (West Virginia Srf Program/Forgivable) Of The City Of Charles Town; Approving And Ratifying The Bond Purchase Agreement Relating To Such Bonds And The Sale And Delivery Of Such Bonds To The West Virginia Water Development Authority; Designating A Registrar, Paying Agent And Depository Bank; And Making Other Provisions As To The Bonds.

Mr. George moved to approve the supplemental resolution. Mr. Tester seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Micheal George
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-1156: Eminent Domain Property Resolution - Possible Executive Session

This agenda item was discussed during agenda item 2024-1148 Executive Session – Property Acquisition.

Mr. Hynes moved to table this agenda item until the December 16, 2024, meeting. Mr. George seconded the motion, and it passed by a 7-0 vote.

RESULT:	**APPROVED [7-0]**
MOVER:	Jeff Hynes
SECONDER:	Micheal George
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George
RECUSED:	Sugrue

2024-1157: Property/Building Acquisition Discussion - Possible Executive Session

This agenda item was discussed during agenda item 2024-1148 Executive Session – Property Acquisition.

Mr. Hynes moved to direct staff to write and release a public statement affirming the City/Council's commitment to remain in City Hall, 101 E. Washington Street, regardless of Jefferson County Commission's decision to vacate Washington Street. Mr. George seconded the motion, and it passed by a 7-0 vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jeff Hynes
SECONDER:	Micheal George
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George
RECUSED:	Sugrue

2024-1158: Potential Vacant County Buildings Discussion

Council agreed to task the City Manager with forming a special committee to ensure City participation in the disposition of potential vacant Jefferson County government buildings. Specifically, the City Manager is tasked with developing the special committee's deliverables and report same to Council at the January 21, 2025, council meeting.

At a minimum, the special committee will consist of the City Manager, Community Development Director, Downtown Coordinator, City Attorney, and Councilmembers Kratovil, Tester, and George

11. REFERRALS TO COMMITTEES/COMMISSIONS

Private Outdoor Designated Area (PODA), per action taken on agenda item 2024-1147, was referred to the Ordinance Committee.

12. APPROVAL OF BILLS

2024-1160: Payment of Bills - November 18, 2024

Mr. Kratovil moved to approve the bills for payment. Hearing no objections, Mayor Trainor declared the bills approved by payment.

13. ADJOURNMENT

Mayor Trainor asked if there was any other business to come before the Council. Hearing none, he adjourned the meeting at 10:14PM.

14. INFORMATION ONLY - NEXT MEETING December 2, 2024, at 7:00PM

2024-1146: Charles Town Parks and Recreation Commission Report - October 24, 2024

2024-1150: Personnel Committee Meeting Report - October 21, 2024

2024-1161: Charles Town Utility Board Meeting Minutes - October 16, 2024

15. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at: https://www.charlestownwv.us/government/agendas-and-minutes/

2024-1182: Ordinance Committee - November 21, 2024

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1194: Infrastructure Committee Meeting - October 21, 2024

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1205: City Manager Report - December 2, 2024

ATTACHMENTS:

- City Manager Report - December 2, 2024.pdf
- 2024 Revive Grant Awards.pdf

City of Charles Town
101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

City Managers Report
December 2, 2024

Rt51 Field Visit: Staff, several Council Members along with the Mayor and a few residents showed up for the DOH WV51 field meeting where DOH and AMT presented their draft concept of the RT51 intersection. We spent some time outside where we walked and discussed the proposed plans. From my perspective I believe we need to maintain a very clear line of communication with both our residents and DOH on this plan moving forward. Furthermore, I strongly suggest that we not only insist that DOH focus on the public comment but should also make sure they address well thought out streetscapes and a safe walkability option.

Working Group Update/ vacant county structures: Staff met internally and began drafting the framework and deliverables in advance of formalizing our workgroup with the County and 3rd party stakeholders. We will present to you our plan at the last meeting in January. I had a subsequent conversation with the County Administrator, and it is her desire not to meet until February.

Holiday Lights: I want to send a big shoutout to Jim Wysong and his crew for decorating our city this holiday. We have added this year additional wreaths and garland. If you see Jim or his crew, please give them a big thanks.

Tree Lighting and Parade: Please let Liz Cook know if you will be walking in the parade this year so we can get out information on where to report on Saturday. Huge thanks to Liz and Virginie for organizing this year's event. Please come out and show your support.

City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

Revive! Commercial Grant Awards

Chuck City LLC $25,000 (Restaurant) 302 N. Mildred

Funtopia LLC $25,000 (Active Space) 200 W. Washington

Succulent Garden LLC $8,400 (Retail) 120 W. Washington

Charlie Washington LLC $25,000 (Retail/Beverage Space) 131 W. Washington

One Table LLC $36,000 (Restaurant) 212 N. George

Domus Libre Associates $25,000 (Retail Space) 219 W. Liberty

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1188: Property Acquisition - Possible Executive Session

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1183: Public Hearing - *ZMA2024-03* Ann Street Rezoning -2nd read

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1190: *ZMA2024-03* Ann Street Rezoning -2nd read

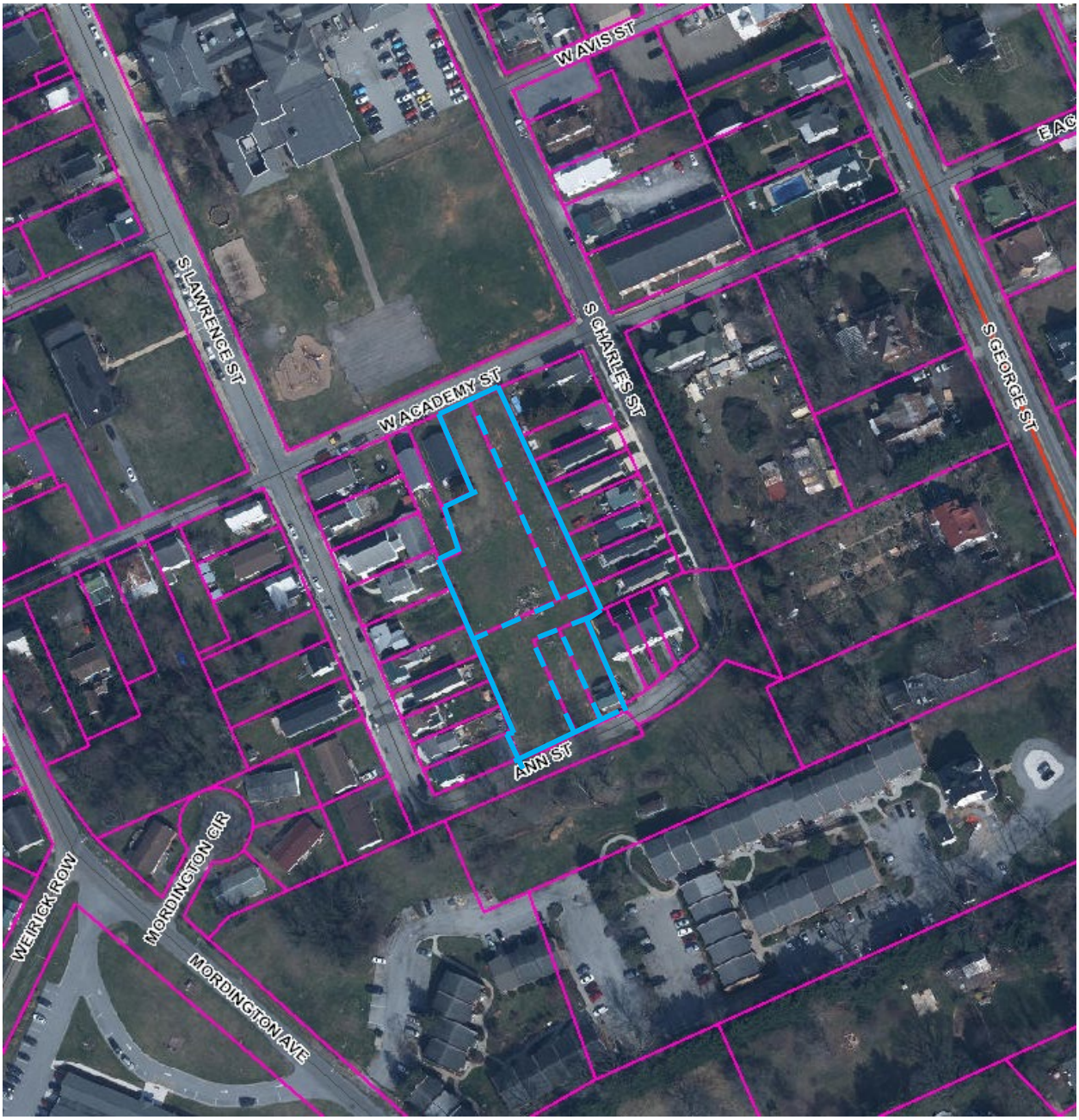
Proposed Motion: Move to approve the second reading to rezone approximately .81 acres/35,290 sq. ft. of land from Old-Town Residential to Planned Unit Development, for one single family detached home and nine townhomes

ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Narrative.pdf
- 4. Sketch Plan.pdf

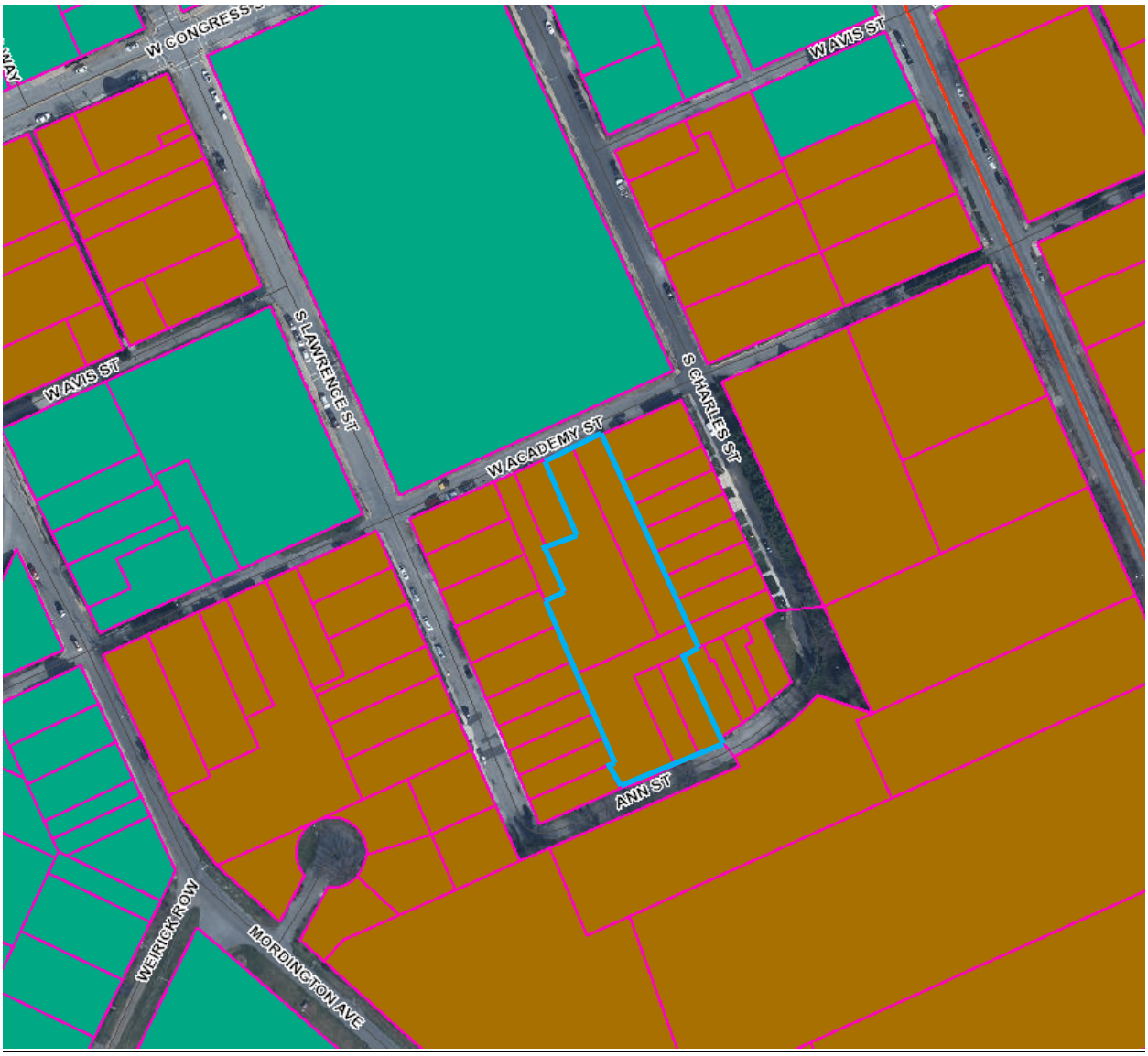
Zoning Map Amendment
ZMA2024-03

Date: For the December 2, 2024 City Council meeting
Applicant: Mark Roper
Property Owner: Mark Roper
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: Rezoning from Old-Town Residential to Planned Unit Development.
Property Location: Between W. Academy Street and Ann Street
Current Zoning: Old Town Residential



PROJECT OVERVIEW

A request to rezone approximately .81 acres/35,290 sq. ft. of land from Old-Town Residential to Planned Unit Development, for one single family detached home and nine townhomes.



ZONING MAP

KEY

Brown – Old-Town Residential

Green – Old-Town Mixed-Use Commercial

PLANNING COMMISSION

The Commission was briefed on this proposal at their August 26, 2024 meeting. Three members of the public spoke. They were generally in favor and had comments about infrastructure, traffic, and landscaping.

A public hearing was held on September 23, 2024. One member of the public spoke in favor, while stating concerns about parking and the need for curbs on the proposed roads. The Commission discussed the request; the plan submitted with the rezoning is a sketch plan with additional details to be reviewed at the preliminary and final plan stages. There were additional concerns about current stormwater runoff on Ann Street and how the project would mitigate their runoff.

Following discussion, the Commission voted to recommend **approval** of the rezoning request.

CITY COUNCIL

Council held a first read on November 18, 2024, and unanimously approved the first read.

DEVELOPMENT PURPOSE

The proposed rezoning area is .81 acres, with the intent to turn the parcels into a development with one single family detached dwelling unit and nine townhomes. The existing Old Town Residential Zoning permits single-family detached units by-right and townhomes via a Special Use Permit. The proposed rezoning would permit both uses by-right.

PLANNED UNIT DEVELOPMENT (PUD) OVERVIEW

The Planned Unit Development is a unique zoning district. It acts as a separate Zoning District overlaid on to the existing underlying "fixed" Zoning District(s). The Uses, requirements, and standards approved for the PUD shall take precedence over inconsistent or conflicting provisions applicable to the underlying "fixed" Zoning District(s). In the event the PUD is abandoned or otherwise terminated, the underlying Zoning District(s) shall thereafter apply to the subject land.

The purpose is to **encourage and allow more creative and imaginative design** of land developments **than is possible under district zoning regulations**. Planned Unit Developments are intended to **allow substantial flexibility in planning and designing** a proposal. This flexibility often accrues in the form of relief from compliance with conventional Zoning Ordinance and Subdivision and Land Development Ordinance site and design requirements.

Ideally, this flexibility results in a development that is better planned, that contains **more amenities**, and ultimately a **development that is more desirable to live in** than one produced in accordance with typical Zoning Ordinance and subdivision controls. An intrinsic, and often neglected, premise upon which the approval of a PUD must be conditioned, is that while greater density or more lenient siting requirements may be granted, **the PUD should contain features not normally required of traditional developments**.

The PUD process is also intended to allow Infill Development or development of smaller parcels contiguous with existing developed areas of the City, where it may be appropriate to match existing Lot and block patterns, Street corridors and other existing conditions. **In instances of Infill Development**, particularly smaller parcels, **creative design emphasis** shall be placed **on architectural controls**, **landscaping and neighborhood compatibility**, **rather than** subdivision design or the creation of **large Open Spaces or common areas**.

EXISTING DEVELOPMENT CRITERIA

Old Town Residential Development zoning requirements:

Table 1322.11, OT-R District Bulk and Area Regulations

Maximum Density	
Minimum Lot Size	
Existing Lot of Record	No Minimum Lot Size
For Newly Created Lots the Following Standards Shall Apply:	
Single-Family Detached Dwelling	10,000 square feet
Duplex Dwelling	6,000 square feet
Multi-Family Dwelling	20,000 square feet
Townhouse Dwelling	2,000 square feet
Group Home	10,000 square feet
All Other	20,000 square feet
Minimum Lot Width	
Existing Lot of Record	No Minimum Lot Width[3]
Single-Family Detached Dwelling	70 feet
Two-Family Dwelling	80 feet
Duplex Dwelling	40 feet
Multi-Family Dwelling	100 feet
Townhouse Dwelling	18 feet
Group Home	70 feet
All Other	100 feet
Minimum Front Yard Setback	20 feet or Front Setbacks shall vary no more than 10% from the average Setbacks of the three Adjacent Properties to each side.[5]
Minimum Side Yard Setback	10 feet[1]
Minimum Rear Yard Setback	20 feet
Maximum Lot Coverage	70 percent
Minimum Building Height	Minimum = 24 feet or 1.5 stories
Maximum Building Height	35 feet (55 feet for Multi-Family)[2]
Maximum Stories	3 stories (4 stories for Multi-Family)

1) No Side Yard shall be required adjoining any Lot line that coincides with party-wall in an attached Dwelling or other Use.

(2) Multi-Family: 55 feet, 4 stories

(3) Width of lot shall be determined by ability to meet setbacks when a principle use is located on the lot.

(4) Legal Non-conforming Structures that are destroyed in fires and/or natural disaster are permitted to be rebuilt in their previous area and bulk configuration.

(5) In situations where there are not three (3) contiguous properties to either side of the subject property, where possible, reviewing the front setbacks in the next block on the same side of the street shall be considered. In locations where there are no structures in the contiguous block or if the block pattern change significantly, the intent and spirit of the Zoning Ordinance is to maintain consistency and compatibility within the block where the structure is to be located. Examining the front setbacks across the street from the subject parcel is a reasonable alternative in so much that compatibility within the block is maintained. Discretion in determining the front setback to achieve the character and compatibility resides within the duties of the Zoning Administrator.

PROPOSED DEVELOPMENT CRITERIA

Planned Unit Development proposed zoning requirements:

ANN STREET

DEVELOPMENT STANDARDS	sf	acres	
PROPERTY AREA	35,290	0.81	
PRIVATE ROAD PARCEL	9,246	0.21	
SWM AREA	TBD	0.00	
NET BUILDABLE LAND AREA	26,044	0.60	

DATA TABLE FOR PLANNED UNIT DEVELOPMENT (PUD) ZONING			
SEC. 1322.11 OT-R DISTRICT BULK & AREA REGULATIONS	**MIN. REQUIRED**	**MAX. ALLOWED**	**PROPOSED SFA (SFD)**
EXISTING LOT OF RECORD[4]			
Dwelling Units	N/A	N/A	1
Lot Size (sf)	N/A	N/A	3,394 SF
Lot Width[5] (ft)	N/A	N/A	36'
TOWNHOME LOTS			
Dwelling Units	N/A	N/A	10
Lot Size (sf)	2,000	N/A	2,000
Lot Width (ft)	18	N/A	18
BUILDING SETBACKS			
Front Yard[1,2] (ft)	20	N/A	20
Side Yard[3,6] (ft)	10	N/A	10
Rear Yard (ft)	10	N/A	Lot 1: 27', Lot 2: 11', Lot 3: 10', Lot 4: 29', Lot 5: 26', Lot 6: 23', Lot 7: 11', Lot 8: 20', Lot 9: 21', Lot 10: 21'
BUILDING HEIGHT (ft.)	24 feet or 1.5 stories	35	35
STORIES	N/A	3	3
Lot Coverage (%)	N/A	70	70
3,500 SF per SFA Unit			
SEC. 1333.23(J) & 1333.20(G) OFF-STREET PARKING REQUIREMENTS	**RATE**	**REQUIRED**	**PROPOSED**
TOWNHOME (Per du)			
Off-Street Parking Spaces	1.8	18	12
Additional Street Parking Spaces			
Total Parking Spaces		**18**	**12**
SINGLE FAMILY (Per du)			
Off-Street Parking Spaces	2.0	20	2
Additional Street Parking Spaces			
Total Parking Spaces		**20**	**2**

NOTES

*** Existing Parcel/ Lot

[1] In situations where there are not three (3) contiguous properties to either side of the subject property, where possible, reviewing the front setbacks in the next block on the same side of the street shall be considered.

[2] Front yard setback shall be measured from the face of the curb.

[3] No Side yard shall be required adjoining any Lot line that coincides with party-wall in an attached Dwelling or other Use.

[4] One existing lots of record fronting on W. Academy Street

[5] Width of lot shall be determined by ability to meet setbacks when a principle use is located on the lot.

[6] For Lot 10, a 20' side setback is proposed since it is a corner lot.

CHANGES FROM OT-R REQUIREMENTS

Lot	Front Setback (Feet)	Side Setback (Feet)	Rear Setback (Feet)	Lot Width (Feet)	Minimum Lot Size (Square Feet)
	Provided / Required	Provided / Required	Provided / Required	Provided / Required	Provided / Required
Lot 1	20 / 20	10 /10	27 / 20	36 / 70	3,394 / 10,000
Lot 2	20 / 20	End unit 5 / 10	11 / 20	28.8 / 18	2,540 / 2,000
Lot 3	20 / 20	Internal Unit 0 / 0*	10 / 20	23.3 / 18	1,878 / 2,000
Lot 4	20 / 20	Internal Unit 0 / 0*	29 / 20	23.3 / 18	2,391 / 2,000
Lot 5	20 / 20	Internal Unit 0 / 0*	26 / 20	23.3 / 18	2,404 / 2,000
Lot 6	20 / 20	End unit 5 / 10	23 / 20	28.3 / 18	2,840 / 2,000
Lot 7	20 / 20	End unit 5 / 10	11 / 20	27.4 / 18	2,274 / 2,000
Lot 8	20 / 20	Internal Unit 0 / 0*	20 / 20	24.4 / 18	2,002 / 2,000
Lot 9	20 / 20	Internal Unit 0 / 0*	21 / 20	23.3 / 18	2,005 / 2,000
Lot 10	20 / 20	End unit 10 / 20**	21 / 20	32.4 / 18	3,775 / 2,000

*Internal units do not have a setback requirement for common shared walls
**End unit along a street, treated as a double front.

NEIGHBORHOOD DESIGN

The PUD infill requirements call for **creative design emphasis** which shall be placed on **architectural controls,** as well as **landscaping and neighborhood compatibility.** The following pictures show some of the **existing designs** in the surrounding neighborhood:




423
2024/09/17 10:29:12


429
For Sale
Dandridge Realty Group
2024/09/17 10:29:17




212
2024/09/17 10:29:40

PROPOSED DESIGNS



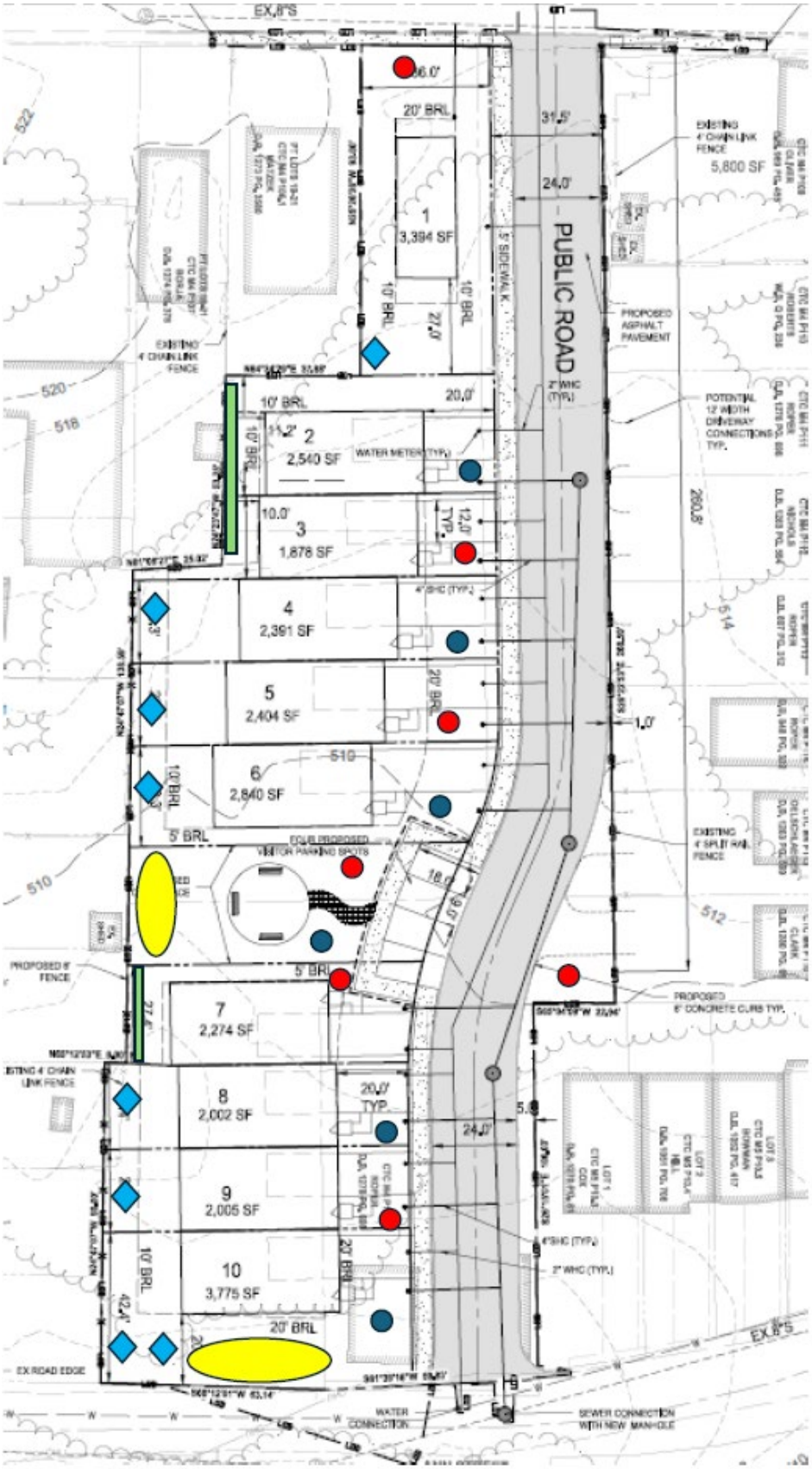
Please note that the lots at Academy Place have "stepped-back" front, creating more undulation so the facades will have greater depth and dimension. See images below.






Lot 10
Lot 9
Lot 8
Lot 7

LANDSCAPING PLAN



Legend

- Pin Oak
- Sunset Red Maple
- Bioswale
- Emerald Green Arborvitae Spaced every 6 feet
- Green Gian Arborvitae

PUD SPECIFIC OBJECTIVES

Through proper planning and design, each PUD should include features which further, and are in compliance with, the following objectives:

1. *To allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls;*

   The properties are not within the Historic District; there are no specific zoning constraints on design or material beyond the setback and height restrictions. The townhomes, if designed per the applicant's pictures, will have more variety of façade material compared to the existing townhomes in the neighborhood. The proposed single family home materials are similar to what currently exists in the neighborhood.

2. *To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions (including Karst geology) and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions;*

   The topography of the site has the high ground along W. Academy Street sloping down towards Ann Street. There is no significant vegetation on site. The view from West Academy Street is shown here:



3. *To combine and coordinate architectural styles, Building forms, and structural/visual relationships within an environment that allows mixing of different land Uses in an innovative and functionally efficient manner;*

   The nine townhomes will be built in two rows: one row of four home and the other with five homes. The minimum unit count required is three with a maximum of ten. Townhomes are required to have facades which are different from abutting units.

4. *To provide for abundant, accessible, and property located public open and recreation space, private open and recreation space, schools, and other public and private facilities;*

   For townhome developments, at least 30% of the net buildable land area must be dedicated as open space. However, the PUD allows for a lesser 20% open space. The proposed plan is currently at 19% open space (5,00 sq. ft., mainly in the form of the playground area).

   The applicant states that the play area and other open space can be maintained by a Home Owners Association, or could be dedicated over to the City.

5. *To promote the efficient Use of land resulting in networks of utilities, Streets and other infrastructure features that maximize the allocation of fiscal and natural resources;*

   The proposed development will result in a density of 8.1 units per acre with an average lot size of 2,550 sq. ft. Based solely on lot size requirements, under the OTR regulations one single-family lot and 8 townhomes lots could potentially be built.

   The proposed development includes a 24 ft. wide through-street connecting W. Academy Street and Ann Street, with a 5 ft. wide sidewalk to be built on one side of the street. The applicant will also build a sidewalk on the south side of W. Academy Street to tie into the existing sidewalk infrastructure, completing the sidewalk network in that area. The development is a compact and efficient use of limited space to provide housing and connecting road infrastructure.

6. To enable land developments to be, to the maximum extent practicable, compatible and congruous with adjacent and nearby land developments;

   The proposed development is purely residential. Neighboring lots are slightly larger and wider than what is proposed. For buffering, the applicant proposed a fence behind the townhomes and playground. Each lot will be planted with one street tree; current requirements are for one tree every 50 feet. The narrow width of the townhome lots will result in more trees than if only the 'one every 50 ft' requirement was adhered to. 21 trees will be planted in total.

7. To ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction;

The proposed development is residential infill within an existing residential neighborhood. There are no known environmentally sensitive areas impacted by this development; an analysis of stormwater runoff will be performed for the preliminary plan should the rezoning and subsequent sketch plan be approved.

8. To allow unique and unusual land Uses to be planned for and located in a manner that ensures harmony with the surrounding community; and

Within the OTR zoning district, the proposed uses are currently permitted by-right in (single-family detached housing) or permitted via Special Use Permit (townhomes).

9. To create a method for the permanent preservation of Historic Structures and/or Landmarks.

While located just outside of the City's Historic District, the parcels are located within the National Register *Old Charles Town Historic District*. The parcels subject to the rezoning request are vacant and construction of the proposed development will not impact adjacent historical structures.

PUD SPECIFIC QUALIFICATIONS

1. A Planned Unit Development may be developed in any Zoning District if it:

a. Is within the City's Old Town Districts, no minimum lot size shall apply, and at least twenty (20) acres in size for undeveloped tracts located outside the City's Old Town Districts

This criterion is met, the property is zoned Old Town Residential and no minimum lot sizes apply.

b. Contains more than two (2) detached Buildings accommodating principal Uses; No minimum number of detached Buildings apply in the City's Old Town Districts;

This criterion is met, there is one detached single family home and two rows of townhomes.

c. Is initially under the same ownership or control;

All lot would initially be owned by the developer, and sold off. A Home Owners Association could be crated if the City does not wish to accept the open space.

d. Is of a character that is compatible with, and contains such Uses that are needed in, the area of the proposed project. A market analysis substantiating the need for such Uses is encouraged.

No market analysis has been provided. The proposed development is a prime example of infill development; it provides ten additional dwelling units within an existing urban neighborhood.

2. *Upon approval, a PUD acts as a separate Zoning District overlaid on to the existing underlying "fixed" Zoning District(s). The boundaries of the PUD shall be as specified in the approval. The Uses, requirements, and standards approved for the PUD shall take precedence over inconsistent or conflicting provisions applicable to the underlying "fixed" Zoning District(s). In the event the PUD is abandoned or otherwise terminated, the underlying Zoning District(s) shall thereafter apply to the subject land.*

   Applicant acknowledges that.

3. *Uses permitted in a PUD may be any compatible residential, Commercial, or public Use or combination of Uses.*

   The proposed townhome and single family units are compatible with the existing residential uses.

4. Flexibility to suspend requirements imposed elsewhere is not conferred upon the PUD applicant as a matter of right but is in all cases subject to a finding by the Planning Commission that the objectives of these provisions will be served thereby.

The rezoning and sketch/preliminary plan process provide for public input and City review.

PUD REQUIREMENTS

1. Minimum Tract Size:
A. Within Old Town Districts: No minimum lot size.

This criterion is met.

2. *Maximum Residential Density: 25 units per acre calculated on the Net Buildable Land Area; however, no Maximum Density applies to the Old Town Residential Districts.*

   This criterion is met, the property is zoned Old Town Residential.

3. *Density Calculation: The density of a PUD shall be calculated from the Net Buildable Land Area; however, no Maximum Density applies to the Old Town Residential Districts.*

   This criterion is met, the property is zoned Old Town Residential.

4. *Required Common Open Space: A minimum of twenty percent (20%) of the total usable land in residential Use in each phase shall be set aside for permanent common Open Space as defined herein.*

   This criterion is not met, per the applicant approximately 19% of the site is open space.

5. *Quality of Design: To be granted the flexibility permitted hereunder, a Planned Unit Development must evidence a level of design and amenity exceeding that typical of conventional development. Among the features that may evidence such amenity are:*

    a. *Amount and quality of landscaping;*
    Applicant proposed more street trees than required.

    b. *Amount, quality, and interconnectedness of common Open Space;*
    Open space will have active uses (children's playground). Open space will be placed between the two sets of townhomes.

c. *Provision of pedestrian or bicycle paths separated from Streets;*
Sidewalk to be installed on one side of the proposed street, and sidewalk network along Academy St. to be completed.

d. Preservation of drainage ways and other natural features;
No natural drainageways shown on sketch plan.

e. Provision of common recreational facilities;
A common area is provided (playground).

f. Enclosed, underground, depressed, or outstandingly landscaped parking areas;
There will be four off-street parking spaces adjacent to the open space. Each dwelling unit will have a driveway and garage for parking.

g. Varied Building Setbacks or other measures to reduce monotony in design;
The townhomes meet the requirements for being offset from each other. The proposed side yard setbacks on some townhome units are less than the OTR 10 ft. minimum (at 5 ft.), hence the PUD request.

h. Other features as determined by the Planning Commission or City Council.

None requested.

Covenants

Where individual parcels are to be later sold, adequate provision has been made in the form of deed restrictions, a declaration of common interest community, covenants, conditions, and restrictions, or the like for:

1. *The preservation and maintenance of any Open Spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or another public body;*

   The applicant will create an HOA to maintain the open space if necessary. If no HOA is created, the open space and off-street parking would have to be dedicated to the City for ownership and maintenance, potentially as a mini-park with associated parking.

2. *Such control of the Use and exterior design of individual Structures, if any, as is necessary for continuing conformance to the PUD Plan, such provision to be binding on all future ownership and compliant with Chapter 36B of the West Virginia Code;*

   Applicant can craft deed language requiring adherence to the proposed PUD design requirements.

ADDITIONAL CHANGES

The applicant is making the following changes to the townhome requirements of the Subdivision Ordinance:

Subdivision Ordinance, Section 1333.20, Townhouse Development Standards.

- Section 1333.20, Subsection (B) – Net Buildable Area
  - Required
    - Each lot shall be 2,000 square feet.
    - An additional 1,500 square feet for open space per lot.
  - Provided
    - Except for Lot 3, which will be 1,878 square feet, each lot will be 2,000 square feet or more.
    - Approximately an additional 500 square feet for open space per lot.

- Section 1333.20, Subsection (O) – Required Open Space
  - Required:
    - 1,500 sq. ft. of open space per townhome unit with a collective requirement of 30% open space.
    - 30% is approximately 7,813 sq. ft. of the site.
  - Provided:
    - Approximately 5,000 sq. ft. of open space with a child's playset.
    - This is 19% of the site for open space.
    - Approximately 500 square feet is provided per lot
    - This development is located within walking distance to several parks, Evitts Run Park, Jefferson Memorial Park, Perry Park, and the Skate Park.
  - Applicant will be providing a fee-in-lieu of open space of $500.00 per unit per Section 1333.17, Park, Recreation and Open Space Amenity Standards.

Subdivision Ordinance Section 1333.02, Street Design Standards,

- Table 1333.02 – Minimum Street Design Standards
  - Required:
    - The right of way is the width of a street from the backside of one sidewalk all the way across the street to the back side of the other side of the street.
    - The right-of-way requirement for a minor street, "Neighborhood Street", 50 feet.
  - Provided is 29 feet right-of-way.
    - This includes two – 12-foot travel lanes and a 5–foot sidewalk along the townhome side of the street.
    - Note that a "Neighborhood Street" has 10-foot travel lanes, and 12-foot travel lanes are proposed.

REZONING GENERAL CRITERIA

City Council must find either that:

1. *The amendment is consistent with the City's Comprehensive Plan,*

   The Comprehensive Plan describes this area as being for *Old Town Residential*. The purpose of the *Old Town Residential* land use in the 2040 Comprehensive Plan is:

   Properties with this future land use classification are located in the City's historic Old Town and are within close walking distance of the Downtown. The ***primary function*** *of the Old Town Residential future land use is to* ***recognize and preserve the existing older*** *residential* ***neighborhoods*** *within the City that are* ***characterized*** *as having* ***smaller lots***, ***smaller setbacks, traditional grid street pattern*** *and* ***access by street or alley***.

   The preservation of the Old Town residential neighborhoods are vital to promoting interaction among activities located within the entire Old Town District that includes the Old Town Mixed Use Commercial area. The purpose of such interaction is to further enhance business vitality, reduce vehicular traffic, increase access to and the use of transit services.

   Also, it can provide employment opportunities for residents close to home, ensure the compatibility among and between residential and Downtown Commercial Uses, and ***ensure the appearance and effects of buildings and uses*** *are* ***harmonious*** *with the* ***traditional neighborhood character*** *of the area.*

   The proposed use of the property and the proposed rezoning are in conformance with the Comprehensive Plan, which calls for residential development on reduced lots with compact setbacks, of design similar to what exists.

2. *Or that the amendment is not consistent with the Comprehensive Plan but that there have been major changes of an economic, physical, or social nature within the area involved that were not anticipated when the Comprehensive Plan was adopted and that such major changes have substantially altered the basic characteristics of the area.*

   The proposed rezoning amendment is in conformance with the Comprehensive Plan.

CONCLUSION

Applicant proposes to rezone .81 acres of land into a Planned Unit Development with an underlying zoning of Old Town Residential. The purpose is to build one detached home and nine townhomes, as well as a road and limited open space. The proposed development is purely residential and located within an existing residential neighborhood. The Comprehensive Plan Future Land Use Map supports the development of the site as housing.

The following standards would be exceeded under the proposed rezoning:

-Street tree requirements (1 per 50 ft required resulting in 8 trees. Applicant proposes 13.

-Sidewalk requirements (applicant is only required to provide sidewalk along the road frontage affected, but will build an additional 50 feet of sidewalk to the east of the proposed road entrance along W. Academy and an additional 42 feet of sidewalk to the west of the proposed road entrance along W. Academy.)

The following standards would not be met under the proposed rezoning:

-Open space: 20% minimum required by PUD. Only 19% provided.

-Street design: 50 ft. right of way required, 29 ft. wide ROW is provided. However, travel lanes are only required to be 10 ft. wide but applicant is proposed 12 ft. wide lanes, plus a 5 ft. wide sidewalk.

The purpose of Planned Unit Development (PUD) regulations is to encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations. Specifically for infill development, creative design emphasis shall be placed on architectural controls, landscaping and neighborhood compatibility.

While creativity is subjective, the architectural design of the proposed uses is similar in design to what exists in the neighborhood. The proposed landscaping adds more street trees than the minimum required. The proposed uses and designs are compatible with the neighborhood.

RECOMMENDATION

Approval, subject to the following condition:

1. Per the PUD requirements for required Common Open Space, A minimum of twenty percent (20%) of the total usable land in residential Use in each phase shall be set aside for permanent common Open Space as defined in the City of Charles Town Zoning Ordinance.

PUD Application No._____

RECEIVED
JUL 01 2024
BY: VS

PLANNED UNIT DEVELOPMENT (PUD) APPLICATION

Zoning Ordinance Article 1322.15, Planned Unit Development (PUD)
Subdivision and Land Development Ordinance

Article 1332, Subdivision and Land Development Application
& Approval Requirements

To assist the Subdivision Administrator in the review of a Planned Unit Development (PUD) Application, the Applicant must utilize this form to supply the City with the information prescribed under Section 1322.15 of the Zoning Ordinance and Section 1332 of the Subdivision and Land Development Ordinance. The submission of this form, along with the prescribed information and required fees, shall serve as the Applicant's S/LD Application as required by Ordinance Section 1332.02.

1. DATE June 28, 2024

2. APPLICATION TYPE ☐ PUD | Phase _____

☒ PUD | Entire Application

3. APPLICANT'S NAME* Mark Roper

Address: 418 S. Samuel Street Charles Town, WV 25414

Telephone Number (304)724-8877 Fax Number (___)_____

Email Address mrconstructionwv@gmail.com

4. PROPERTY OWNER'S NAME Mark Roper and M&A Investment Group LLC

Address: 418 S. Samuel Street Charles Town, WV 25414

Telephone Number (304)724-8877 Fax Number (___)_____

Email Address mrconstructionwv@gmail.com

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

5. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (list all parcels that apply)

Property Address: Vacant - Academy St and Ann St. and one structure at 214 Ann St.

Tax Map # and Parcel: TM 4; Parcels 101, 102, 103,105, and 106.

Deed Book and Page #: 476/353, 1299/428, 467/353, 848/322, and 1287/191.

Property Area in Square Feet or Acres: 0.81 acres or 35,290 sq. ft.

6. DESCRIPTION OF PROJECT AND PROPOSED USE(S) OF THE PROPERTY:

See attached.

7. DESCRIPTION OF THE EXISTING (OR FORMER) USE(S) OF THE PROPERTY AND CURRENT ZONING:

Vacant - Academy St. and Ann St. and one structure at 214 Ann St. (to be removed)

A vacant struture was removed at 216 Ann St.

Current zoning is Old Town Residential

8. BASE ZONING DISTRICT Old Town Residential

9. DESCRIBE HOW THE PUD WILL DIFFER FROM THE BASE ZONING DISTRICT?

	Base Zoning District	PUD
Density:	See attached.	See attached.
Lot Size:	See attached.	See attached.
Lot Width:	See attached.	See attached.
Setback – Front:	See attached.	See attached.
Setback – Side:	See attached.	See attached.
Setback – Rear:	See attached.	See attached.
Other:		

See attached.

S/LD Application No._____

10. PARCEL HISTORY: (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

Application No.	Project Name and Phase	Status	Approval Date
N/A			

11. HAS THE PROPERTY BEEN THE SUBJECT OF ANY COURT ACTION?

☐ Yes (Please specify nature of all proceedings and current status and attach any documents showing court decisions, etc.)

N/A

☒ No

S/LD Application No._____

12. INTERESTED PARTY ADDRESSES, FOR PUBLIC NOTICE (including across street) (Interested parties are defined as adjacent properties within 100 feet).

Owner	# and Street	City, State, Zip
See attached.		

13. FEE CALCULATION (Per Fee Schedule) _____

_____

_____

_____

AMOUNT PAID $ 400.00

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Section 1322.15 of the Zoning Ordinance and Section 1332 of the S/LD Ordinance.

Signature of Applicant _____ Date 9-1-24

Signature of Property Owner (If different than Applicant)

_____ Date _____

Please submit an original completed Application and specified number of Plan copies to the following:

Subdivision Administrator
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Fee: $_____ Check No._____ Receipt No._____

Staff Approval:_____ Date:_____

Planning Commission Approval:_____ Date:_____

Comments:_____

Academy and Ann Street Infill Planned Unit Development
Supplemental information to the PUD Application

6. DESCRIPTION OF PROJECT AND PROPOSED USE(S) OF THE PROPERTY:

This is an urban infill project that will increase the amount and quality of housing stock in the core of the city. This new housing is within walking distance to downtown and will provide for additional consumers for the downtown commerce. The Comprehensive Plan for the city has an emphasis on a "Downtown First Focus." This project is in keeping with that vision. The proposed plan makes use of existing infrastructure, is walkable to downtown and an elementary school, supports revitalization of underutilized property, and encourages investment in the City.

2040 Historically Hip Comprehensive Plan

- This plan meets several policy goals of the Comprehensive Plan, which are noted below (emphasis added):
    - "In 2015, Jefferson County approved the Envision Jefferson 2035 Comprehensive Plan and Future Land Use Guide14. Many of the Plan goals, objectives, and implementation strategies align with Charles Town's desire to prioritize infill development and redevelopment, increase the density of development, and adaptively reuse existing buildings to better utilize existing land resources. (Page 54)"
    - Under the title of "Housing Needs for the Future", it states that:
        - "Opportunities for new and infill developments that incorporate affordable housing in mixed uses, higher densities, and traditional neighborhood design elements will be incentives to be examined." (Page 90)
        - "For a growing City with innovative tools obtained during the Home Rule Program and the typical Code Compliance aspects faced by most communities, Charles Town has the ability to create a housing and redevelopment agency that is proactive, addresses existing housing and infill in the urban core, and involved in new development arrangements in "greenfield" areas."
    - "As envisioned by this Comprehensive Plan, the City of Charles Town desires to strengthen and emphasize its identity as exemplified by the Downtown and its traditionally designed and compact Old Town neighborhoods. This plan's Downtown First Focus approach emphasizes the need to reinvest in the City's existing infrastructure and neighborhoods, and encourage new growth and development (including infill) within its Urban Growth Boundary (UGB)." (Page 131)
    - Implementation Strategy "3.1.5 – Undertake a small area plan with conceptual architectural details that encourages the expansion of the Downtown area by the development and redevelopment of new infill by promoting additional mixed use vertical building as identified in this Plan." (Page 168)
    - Implementation Strategy "4.2.1 – Place a priority on promoting and incentivizing new development investments in the Old Charles Town and Gateway Community Types where urban infrastructure exists to readily support revitalization and infill development." (Page 170)
    - Implementation Strategy "4.2.2 – Create small area plans for Downtown Charles Town, US 340 East Gateway, US 340 South Gateway area and Rt 9. A small area plan is any plan that addresses the issues of a portion of the City. Small area plans can cover three different geographic scales -- neighborhood, corridor, and district regardless of the size of the area. Small area plans cover a specific geography that often has a cohesive set of characteristics. In addition to the above locations, criteria for prioritizing small area plans may include the following:
        - • Evidence of disinvestment and deteriorating housing
        - • Significant change is occurring or anticipated

- Public facilities and/or physical improvements need to be addressed
- Opportunities for substantial infill or redevelopment are present" (Page 171)

Purpose of the Old Town Residential District as listed in the Zoning Ordinance.

- "Purpose. The purpose of the OT-R District is to recognize existing and older residential neighborhoods within the City of Charles Town that are characterized as having smaller Lots, smaller Setbacks, traditional grid Street pattern and access by Street or alley. These provisions for the OT-R District are designed to protect the character of these residential neighborhoods while permitting their maintenance and improvement."

1. "Preserving and restoring the overall character of the Zoning District;
2. Promoting a balance of land Uses;
3. Promoting the opportunity for people to work, interact, shop, dine, and utilize business and public services in the vicinity of their residences;
4. Promoting a positive pedestrian environment in the Zoning District;
5. Facilitating integrated physical design; Promoting a high level of design quality; and
6. Facilitating development proposals responsive to current and future market conditions;"

Proposed activity:

- Construction of a new public street from Academy Street to Ann Street
  - This new street will be 24 feet wide with a 5-foot sidewalk on one side from Academy Street to Ann St.
    - The street will allow for two-way travel.
  - The new street will meet the construction standards for a public street.
- Rear load access to the lots on S. Charles Street
  - All homes facing S. Charles St., addressed as 404-418 on S. Charles Street., do *not* have off street parking. There is no access to the front or rear of the lots for parking.
  - This new proposed street will allow for rear loaded parking on these lots, which could allow for off-street parking that does not exist currently.
- Sidewalk connection on Academy Street
  - Although not required, the applicant proposes to install a missing gap in the sidewalk on Academy Street that is beyond the limits of the applicant's proposed development.
  - Where the new proposed street intersects with Academy Street, to the east, approximately 52 feet of new sidewalk will be installed, and to the west, approximately 40 feet of new sidewalk will be installed.
  - This will make a complete connection to the existing sidewalk network along Academy St. from S. Charles St to S. Lawerance St.
- 1 single family home lot and 9 new townhome lots.
  - Lot 1 will be a single-family home lot that fronts on Academy St.
  - Lots 2-10 will consist of townhome units and will front on the new street.
  - There will be two rows of townhomes.
    - A row of 5 townhomes (Lots 2-6)
    - A row of 4 townhomes (Lots 7-10)
  - There is no density requirements in the Old Town Residential zoning district.
- Architectural standards.
  - Site will meet the following requirements that:
    - "Townhouses abutting each other shall have complimentary but not identical facades."
    - "No more than two abutting townhouses shall have a common roof line."
    - This ensures that for each unit and row of units to be distinct for each other.

- Since there are only 2 rows of townhomes, one 5 units in length and one 4 units in length, this will not look like a long monotonous row of units.

- Open space with a child's playset.
  - As a percentage of the site, approximately 19% of open space is provided.
  - In the middle of the development, between lots 6 and 7, will be open space for the residents.
  - A child's playset will be provided.
  - This common space will be maintained by the lot owners.
- A $500.00 fee-in-lieu of dedication of open space will be paid to the city.
- Parking.
  - Each unit will have 2 off-street parking spaces. One in the driveway and one in the garage.
  - 4 visitor spaces for the development will be located along the open space area.
  - A total of 25 spaces is provided, which exceeds the minimum requirement by 7 spaces.
- Street trees.
  - 1 street tree per lot and at least two in the common open space will be provided.
  - This is a much higher ratio than the required 1 street tree per 50 feet.
- Buffer.
  - A fence will be provided along the rear townhome lots 2-10 and the rear of the open space.
- Trash will be individually served per unit like other single-family homes.

9. DESCRIBE HOW THE PUD WILL DIFFER FROM THE BASE ZONING DISTRICT:

The Planned Unit Development is requesting modest modifications from the base zoning district, which is Old Town Residential. The Old Town Residential allows for townhomes and does not have a density requirement. Below are the modifications from both the zoning ordinance and the subdivision regulations.

The deviations from the strict standards are:

Zoning Ordinance, Table 1322.11, OT-R District Bulk and Area Regulations

Lots that do not conform to the strict standards are highlighted in yellow

Lot	Front Setback (Feet)	Side Setback (Feet)	Rear Setback (Feet)	Lot Width (Feet)	Minimum Lot Size (Square Feet)
	Provided / Required	Provided / Required	Provided / Required	Provided / Required	Provided / Required
Lot 1	20 / 20	10 /10	27 / 20	36 / 70	3,394 / 10,000
Lot 2	20 / 20	End unit 5 / 10	11 / 20	28.8 / 18	2,540 / 2,000
Lot 3	20 / 20	Internal Unit 0 / 0*	10 / 20	23.3 / 18	1,878 / 2,000
Lot 4	20 / 20	Internal Unit 0 / 0*	29 / 20	23.3 / 18	2,391 / 2,000
Lot 5	20 / 20	Internal Unit 0 / 0*	26 / 20	23.3 / 18	2,404 / 2,000
Lot 6	20 / 20	End unit 5 / 10	23 / 20	28.3 / 18	2,840 / 2,000
Lot 7	20 / 20	End unit 5 / 10	11 / 20	27.4 / 18	2,274 / 2,000
Lot 8	20 / 20	Internal Unit 0 / 0*	20 / 20	24.4 / 18	2,002 / 2,000
Lot 9	20 / 20	Internal Unit 0 / 0*	21 / 20	23.3 / 18	2,005 / 2,000
Lot 10	20 / 20	End unit 10 / 20**	21 / 20	32.4 / 18	3,775 / 2,000

*Internal units do not have a setback requirement for common shared walls
**End unit along a street, treated as a double front.

Subdivision Ordinance, Section 1333.20, Townhouse Development Standards.

- Section 1333.20, Subsection (B) – Net Buildable Area
  - Required
    - Each lot shall be 2,000 square feet.
    - An additional 1,500 square feet for open space per lot.
  - Provided
    - Except for Lot 3, which will be 1,878 square feet, each lot will be 2,000 square feet or more.
    - Approximately an additional 500 square feet for open space per lot.

- Section 1333.20, Subsection (O) – Required Open Space
  - Required:
    - 1,500 sq. ft. of open space per townhome unit with a collective requirement of 30% open space.
    - 30% is approximately 7,813 sq. ft. of the site.
  - Provided:
    - Approximately 5,000 sq. ft. of open space with a child's playset.
    - This is 19% of the site for open space.
    - Approximately 500 square feet is provided per lot
    - This development is located within walking distance to several parks, Evitts Run Park, Jefferson Memorial Park, Perry Park, and the Skate Park.
  - Applicant will be providing a fee-in-lieu of open space of $500.00 per unit per Section 1333.17, Park, Recreation and Open Space Amenity Standards.

Subdivision Ordinance Section 1333.02, Street Design Standards,

- Table 1333.02 – Minimum Street Design Standards
  - Required:
    - The right of way is the width of a street from the backside of one sidewalk all the way across the street to the back side of the other side of the street.
    - The right-of-way requirement for a minor street, "Neighborhood Street", 50 feet.
  - Provided is 29 feet right-of-way.
    - This includes two – 12-foot travel lanes and a 5–foot sidewalk along the townhome side of the street.
    - Note that a "Neighborhood Street" has 10-foot travel lanes, and 12-foot travel lanes are proposed.

12. INTERESED PARTY ADDRESSES, FOR PUBLIC NOTICE

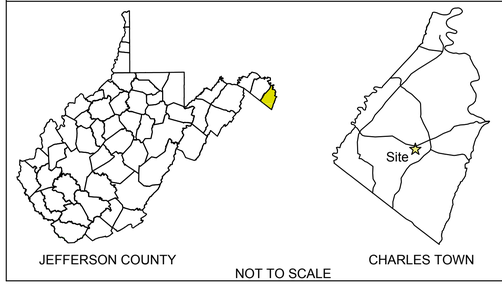
Owner	# and Street	City, State, Zip
OLIVER WILLIE M D & STANLEY P	400S CHARLES ST	CHARLES TOWN, WV 25414
ROBERTS JEAN ANN	404S CHARLES ST	CHARLES TOWN, WV 25414
PURDON JAMES	PO BOX 650695	STERLING, VA 20166
NICHOLS JACQUELINE & IRVIN SOLANO	410S CHARLES ST	CHARLES TOWN, WV 25414
OELSCHLAEGER NANCY	416S CHARLES ST	CHARLES TOWN, WV 25414
CLARK CARTY R & COURTNEY A HERNDON	418S CHARLES ST	CHARLES TOWN, WV 25414
MAYFIELD MITCHELL D & JENNIFER W	206W ANN ST	CHARLES TOWN, WV 25414
BOWMAN ERIC K	208 ANN ST	CHARLES TOWN, WV 25414
HILL KAREN J	210W ANN ST	CHARLES TOWN, WV 25414
HEFESTAY F J JR	212 ANN ST	CHARLES TOWN, WV 25414
CORBETT DEBRA R	128 EASTLAND DR	CHARLES TOWN, WV 25414
FERN ROBERT W	429S LAWRENCE ST	CHARLES TOWN, WV 25414
CURRY KIM L & TAMARA L	427S LAWRENCE ST	CHARLES TOWN, WV 25414
CASTELLANOS JUAN A & LETICIA C PENA	417S LAWRENCE ST	CHARLES TOWN, WV 25414
EPISCOPAL RECTORY	PO BOX 368	CHARLES TOWN, WV 25414
DUOBERT JHAN	405S LAWRENCE ST	CHARLES TOWN, WV 25414
CHAPMAN RENTAL PROPERTIES LLC	PO BOX 121	CHARLES TOWN, WV 25414
BORJA JACOB S & JOSEPH Q IMLER SR	217W ACADEMY ST	CHARLES TOWN, WV 25414
MATZEK SARA	1039 SHENANDOAH RIVER DR	HARPERS FERRY, WV 25425
AMY ASSOCIATES WV LLC	26223 COLUMBIA LAKES DR	COLUMBIA, IL 62236
BOARD OF EDUCATION	110 MORNINGTON AVE	CHARLES TOWN, WV 25414

ANN STREET LOTS

SKETCH PLAN
MAJOR SLD 2023-TBD

CHARLES TOWN CORP. DISTRICT (3) - MAP 4 - PARCELS 101, 105 & 106
CITY OF CHARLES TOWN, WEST VIRGINIA
ZONED OLD TOWN RESIDENTIAL (OT-R)

GENERAL LOCATION



STATE & LOCAL PERMITS

AGENCY	PERMIT #/APPROVAL DATE

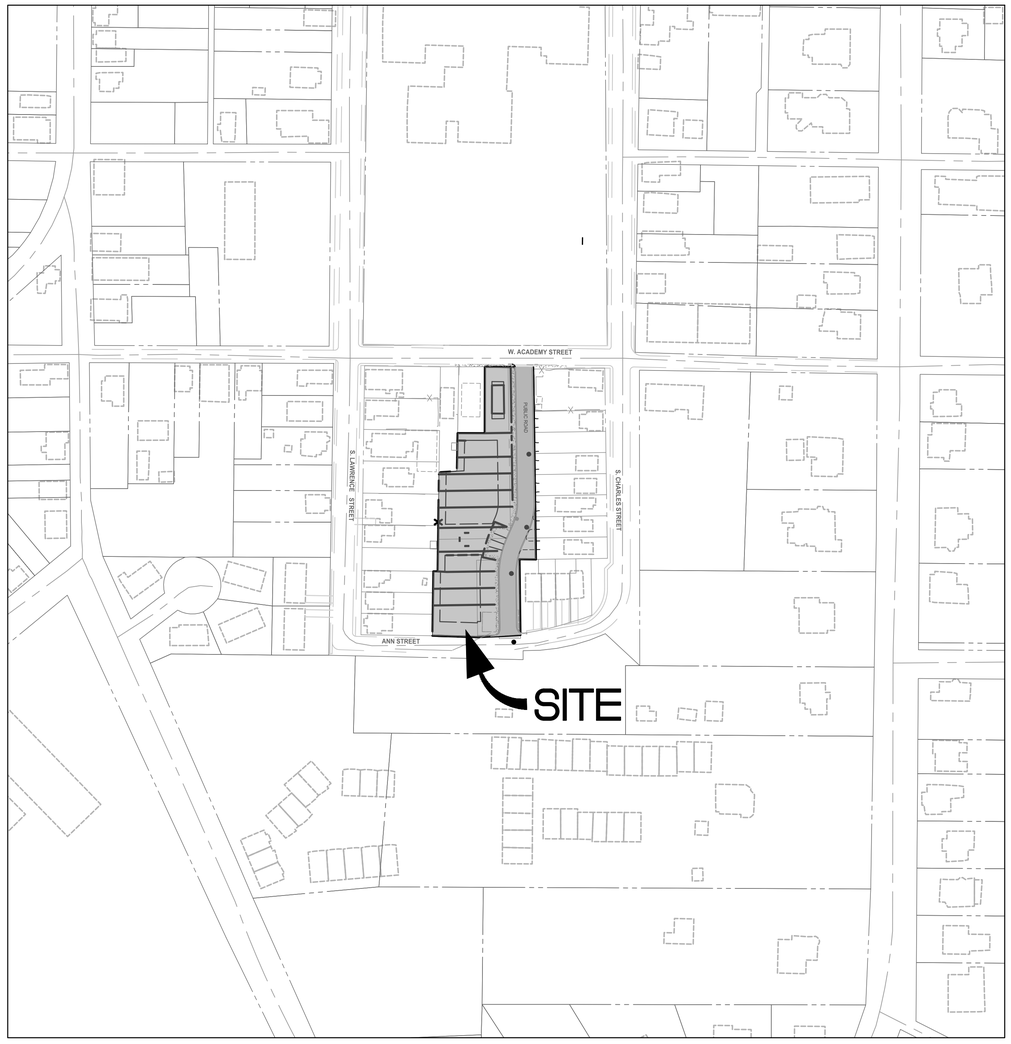
CALL "MISS UTILITY"

MISS UTILITY OF WEST VIRGINIA (MUWV) AT 811 OR 1-800-245-4848, 48 HOURS PRIOR TO THE START OF WORK. EXCAVATORS MUST NOTIFY ALL PUBLIC UTILITY OPERATORS WHO MAINTAIN UNDERGROUND UTILITY LINES IN THE AREA OF PROPOSED EXCAVATING OR BLASTING AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL COUNTY REQUIREMENTS, WEST VIRGINIA CODE AND REGULATIONS.

UTILITY NOTICE (AS NEEDED)

Contractors shall notify all public utility operators who maintain underground utility lines in the area of proposed excavating or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition. Names and telephone numbers of the operators of underground utility lines appear below. These numbers shall also be used to serve in an emergency condition.

Water:	Charles Town Utility Board 832 S. George Street Charles Town, WV 25414 (304) 725-2316
Sewer:	Charles Town Utility Board 832 S. George Street Charles Town, WV 25414 (304) 725-2316
Power:	Potomac Edison P.O.Box 3615 Akron, OH 44309 (800) 686-0011
Phone:	Frontier Communications 1108 N. Mildred Street Ranson, WV 25438 (304) 728-8500
Soil Conservation:	Eastern Panhandle Conservation District 151 Aikens Center, Suite 2 Martinsburg, WV 25404 (304) 263-4376



VICINITY MAP

SCALE: 1" =100'

WEST VIRGINIA STATE GRID NORTH
WV 83 NF

Plan Revisions

Date	Comment

SHEET INDEX:

SK-1 - SKETCH PLAN COVER SHEET
SK-2 - SKETCH PLAN NOTES
SK-3 - SKETCH PLAN NOTES AND LEGEND
SK-4 - SKETCH PLAN

"This Sketch Plan was approved by the City of Charles Town, on the _____ day of _____ , 20_____ , subject to any conditions specified hereon.

This plan is vested and valid for one (1) year with the possibility of a one (1) year extension per Section 1332.03(C)(2)(F)(5) of the City of Charles Town Subdivision and Land development Ordinance.

All expenses incurred with respect to improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures and all other improvements that may be required shall be the responsibility of the subdivider and not the City.

_____ _____
Secretary of the Planning Commision Date

"The developer, in signing this plat/plan, agrees to abide by all conditions, terms and specifications provided heron; and to complete all the improvements required by the Preliminary Plat and Plan or site plan."

_____ _____
Roper Rentals & Mark Roper Construction LLC Date
418 S. South Samuel Street
Charles Town, WV 25414-134

"The Engineer and/or Surveyor, in signing this plat/plan, attests to the best of his or her knowledge, is plan is complete and accurate."

_____ _____
Chris Lemon Date

CIVIL ENGINEER:
IMEG
4601 FORBES BLVD #140
LANHAM, MD 20706
CONTACT: SYLKE KNUPPEL, PE
PHONE: 240-296-1568
EMAIL: SYLKE.S.KNUPPEL@IMEGCORP.COM

DEVELOPER
APPLICANT/OWNER
MARK ROPER CONSTRUCTION, LLC
418 SOUTH SAMUEL STREET
CHARLES TOWN, WEST VIRGINIA 25414
(304) 724-8877

IMEG
4035 Ridge Top Rd, Suite 601
Fairfax, VA 22030 P 703.273.6820
engineering • surveying • land planning

SKETCH PLAN
ANN STREET LOTS
MAP 4 PARCEL 101, 105 & 106
CITY OF CHARLES TOWN, WEST VIRGINIA

MARK	DATE	DESCRIPTION

PROJECT No.: 22099.002.00
DRAWING No.: 112159
DATE: 07/01/2024
SCALE: AS SHOWN
DESIGN: AHF
DRAWN: AHF
CHECKED: SSK

SHEET TITLE:

COVER SHEET

SHEET No.

SK-1

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GENERAL NOTES

1. Methods and materials used in the construction of the improvements herein shall conform to current Jefferson County Construction Standards and Specifications and/or current WVDOH Standards and Specifications.

2. The Engineer shall not have control over or charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures nor for safety precautions and programs in connection with work shown on these plans. The Engineer is not responsible for the contractor's schedules or failure to carry out the work. The Engineer is not responsible for acts or omissions of the contractor, subcontractor, or their agents or employees, or any other person performing portions of the work.

3. The Contractor, Owner or Developer shall be responsible for securing any third party inspection/testing service to insure construction compliance with these plans and specifications. It is Christopher Consultants recommendation that a third party inspection/testing service be employed to ensure that project is completed and materials installed meet the details and specifications in these plans.

4. The location of existing utilities shown in these plans are taken from existing records and available asbuilt data. It shall be the contractors responsibility to verify the exact horizontal and vertical location of all existing utilities as needed prior to construction. The contractor shall be responsible for the digging of all test holes that may be required, whether recommended or not by these plans, to determine the exact location and elevation of existing utilities. If any conflicts arising from this existing utility verification or if during the course of construction, any object of an unusual nature is encountered, the contractor shall cease work in that area and immediately notify Christopher Consultants at (240) 296-1574 and/or the proper authority. Christopher Consultants any engineer associated with these plans shall not be responsible or liable for any construction cost that may be associated with the installation or reinstallation any utility or other improvements if not notified of any discrepancies between actual field conditions and the approved plan.

5. The approval of these plans in no way relieve the developer, the contractor, or their agents of any legal responsibility which may be required by the code of West Virginia or any other ordinance enacted by Jefferson County nor does it guarantee the issuance of any required permit by Jefferson County, WVDOH or any other Agency.

6. An approved set of plans and all applicable permits must be available at the construction site at all times during construction. A representative of the developer must be available at all times.

7. The contractor shall provide adequate means of cleaning mud from trucks and/or other equipment prior to entering public streets, and it is the contractors responsibility to clean streets, allay dust, and to take whatever measures are necessary to insure that public streets are maintained in a clean, mud and dust free condition at all times.

8. The developer will be responsible for any damage to the existing streets and utilities which occurs as a result of his construction project within or contiguous to the existing right-of-way.

9. Warning signs, markers, barricades or flagmen should be in accordance with the State and Federal Manual on Uniform Traffic Control Devices (MUTCD).

10. All unsuitable material shall be removed from the construction limits of the site plan before placing embankment.

11. All pavement sections shown on these approved plans are based on a minimum CBR value of 6 and are for preliminary design only. Final pavement design shall be based upon actual field tested CBR values. The Contractor or Developer shall be responsible for field tests per WVDOH standards to obtain actual CBR values for final design. Final pavement designs will be approved by WVDOH and/or the Owner/Developer, which ever applicable, prior to installation.

12. All springs shall be capped and piped to the nearest storm sewer manholes or curb inlet. The pipe shall be minimum 6" diameter.

13. When grading is proposed within easements of utilities, letters of permission from all involved companies must be provided to Jefferson County & Charles Town Utility Board (CTUB) prior to issuance of grading and/or site development permits.

14. a. Notification shall be given to the Charles Town Utility Board two weeks prior to construction so they can arrange to have a project representative during construction. The District would like to be in the pre-construction project meetings with the contractor.

    b. Notification shall be given to the Charles Town Utility Board prior to construction of water lines. Information should also be obtained from the appropriate authority concerning permits, cut sheets, and connections to existing lines.

15. The Developer and/or Contractor shall be responsible to supply all utility companies with copies of the approved plans and advise them that all grading shall conform to the approved plans, and further that the utility companies shall be responsible for honoring these plans and the finished grades in the installation of their utility lines.

16. All utilities to be located underground.

17. Contractors shall notify operators who maintain underground utility lines in the area of proposed excavating or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition.

18. The developer will be responsible for the relocation of any utilities which is required as a result of his project. The relocation should be done prior to construction.

19. All parking lot/street light and dry utility design shall be performed and provided separately by others. All dry utility and or lighting information shown hereon is as specified by others and is included for informational purposes only, as directed by the Owner, Developer and/or public agency requirements. Christopher Consultants has not performed the lighting and/or dry utility design and does not warrant and is not responsible for the degree and/or adequacy of illumination on this project or the adequacy of the dry utility to service the site.

20. All sanitary sewers, water mains and appurtenances shall be constructed in accordance with the current standards and specifications of the Charles Town Utility Board.

21. All stormwater piping and structures shown on these plans are only accurate to the inlet or manhole locations as shown hereon. Detail design of stormwater structures were not provided to Christopher Consultants. Actual pipe alignments will be based upon developed structural shop drawings as provided by the manufacturer. Contractor shall make adjustments to pipe alignments base on provided shop drawings. Christopher Consultants will not be held responsible or liable for any discrepancies or changes caused by the structural design. Contractor may submit shop drawings to Christopher Consultants for review and approval at contractor's expense. Shop drawings will be reviewed for compliance with design plans. The Owner or Developer will be responsible for any redesign as a result of structural shop drawing design.

22. Controlled fills shall be compacted to 95% of maximum density as determined by method "A" per standard proctor AASHTO-T99, ASTM-D698, or VTM-1 as applicable. Density shall be certified by a registered professional engineer and results submitted to Jefferson County, prior to pavement construction. If a geotechnical report has been prepared, it should supersede the requirements in this note.

23. Refer to Geotechnical Engineer for methods, materials and details for construction of all earthwork activities.

24. Any retaining wall 2 ft. or greater in height shall require the issuance of a separate building permit.

25. Construction debris shall be containerized. No less than one litter receptacle shall be provided at the construction site.

26. Christopher Consultants, Ltd. (CCL) issued this plan set based on project criteria dictated by the client and municipal codes. This plan set is not considered complete or appropriate for construction until ALL necessary agencies have given approval AND this plan set is signed and sealed by a licensed professional. Any work, planning, scheduling, material purchases and/or construction prior to approvals and licensed/professional sealing will be performed at the risk of the personnel authorizing work. GE shall be held harmless from any costs, time delay and/or material changes incurred on work started before this plan set receives approvals and seals.

27. There is no 100-yr floodplain associated with the property according to the FEMA flood map Community-Panel #54037C0139E, Effective Date 12/18/2009.

28. No known wetlands have been identified on the subject property.

28. Other developments are actively seeking approval of the waiver for the electric meter location.

WVDOH Notes

WV1. All work, construction methods and materials shall conform with the West Virginia Division of Highways "STANDARD SPECIFICATIONS ROADS AND BRIDGES Adopted January 1, 2017" and Supplemental Specifications dated January 1, 2018. All work on this project shall also conform with The Soil Conservation Service Erosion and Sediment Control Regulations and any other state, federal, or local regulations applicable. In the event of conflict between any of these standards, specifications, or plans, the most stringent shall govern.

WV2. All construction shall comply with the latest U.S. Department of Labor Occupational Safety & Health Administration.

WV3. When working on WVDOH right-of-way, all traffic control, whether permanent or temporary, shall be in accordance with "Manual on Temporary Traffic Control for Streets and highways" 2006 Edition as published by WVDOH.

WV4. Design features relating to construction or to regulation, control and safety of traffic may be subject to change as deemed necessary by WVDOH.

WV5. Prior to initiation of work, Contractor shall be responsible for acquiring all necessary WVDOH land use permits for any work on WVDOH right-of-way.

WV6. If required by the local WVDOH Residency Office, a preconstruction conference must be arranged and held by the engineer and/or developer with the attendance of the contractor, various County agencies, utility companies and WVDOH prior to initiation of work.

WV7. Contractor shall notify the local WVDOH Residency Office when work is to begin or cease for any undetermined length of time. WVDOH will also require 48 hours notice for any inspection. Please contact the Burlington, WV field office at 304-289-3521.

WV8. The Contractor will be responsible for maintaining adequate access to the project from the adjacent public roadway through construction and maintenance of a construction entrance in accordance with the Soil Conservation Service Erosion & Sediment Control Handbook. Furthermore, access to other properties affected by this project shall be maintained through construction.

WV9. Contractor shall ensure adequate drainage is achieved and maintained on the site during and at the end of construction.

WV10. All water and sewer lines within existing or proposed WVDOH right-of-way are to have minimum 36" cover and, when possible, to be installed under roadway drainage facilities.

WV11. Any unusual subsurface conditions encountered during the course of construction shall be immediately brought to the attention of the engineer and WVDOH. Work shall cease in that vicinity until an adequate design can be determined by the engineer and approved by WVDOH.

WV12. All undercut areas and borrow material shall be inspected and approved by WVDOH Inspector prior to placement of fill.

WV13. All roadway fill, base, subsurface material and backfill of utility/storm sewer trenches shall be compacted in 6" lifts to 98% of theoretical maximum density as determined by AASHTO T-99 Method A, within plus or minus 2% of optimum moisture for the full width of any dedicated street right-of-way. At the direction of WVDOH Inspector density tests performed by a qualified independent agency shall be conducted as required in the WVDOH Road and Bridge Specifications. A copy of all tests shall be submitted to WVDOH prior to final WVDOH approval.

WV14. WVDOH Standard CD and UD underdrains shall be installed where indicated on these plans and further where determined necessary by WVDOH Inspector.

WV15. The installation of any entrances and mailboxes within any dedicated street right-of-way shall meet WVDOH minimum design standards and is the developer's responsibility.

WV16. If required by the local WVDOH Residency Office, copies of all invoices for materials within any dedicated street right-of-way must be provided to the WVDOH Inspector prior to acceptance of work. Unit and total prices may be obscured.

WV17. Prior to acceptance by WVDOH of any streets, any required street signage and/or pavement markings must be installed by the developer.

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Fairfax, VA 22030 P 703.273.6820
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SKETCH PLAN
ANN STREET LOTS

MAP 4 PARCEL 101, 105 & 106
CITY OF CHARLES TOWN, WEST VIRGINIA

MARK	DATE	DESCRIPTION

PROJECT No.: 22099.002.00
DRAWING No.: 112159
DATE: 12/15/2023
SCALE: AS SHOWN
DESIGN: AHF
DRAWN: AHF
CHECKED: SSK

SHEET TITLE:

NOTES

SHEET No.

SK-2

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PROJECT NARRATIVE

The project is Charles Town Lots Subdivision, Parcel 101, 102, 105 and 106, and consists of 6 Townhouses and 2 Single-Family Residential lots. The acreage to be developed is approximately 0.81 acres at W Academy Street between S Lawrence Street and S Charles Street in the City of Charles Town. Each townhouse unit is three (3) stories, with a minimum 2,000 SF lot. Each single family house is three (3) stories, with a minimum of 10,000 SF. The current zone of the site is Old Town Residential (OT-R), which permits residential townhome and single-family uses. The Sketch Plan application is submitted utilizing Planned Unit Development (PUD) zoning Section 1322.15 with Development Standards as outlined below.

DEVELOPMENT STANDARD TABLE

ANN STREET

DEVELOPMENT STANDARDS	sf	acres
PROPERTY AREA	35,290	0.81
PRIVATE ROAD PARCEL	9,246	0.21
SWM AREA	TBD	0.00
NET BUILDABLE LAND AREA	26,044	0.60

DATA TABLE FOR PLANNED UNIT DEVELOPMENT (PUD) ZONING			
SEC. 1322.11 OT-R DISTRICT BULK & AREA REGULATIONS	**MIN. REQUIRED**	**MAX. ALLOWED**	**PROPOSED SFA (SFD)**
EXISTING LOT OF RECORD[4]			
Dwelling Units	N/A	N/A	1
Lot Size (sf)	N/A	N/A	3,394 SF
Lot Width[5] (ft)	N/A	N/A	36'
TOWNHOME LOTS			
Dwelling Units	N/A	N/A	10
Lot Size (sf)	2,000	N/A	2,000
Lot Width (ft)	18	N/A	18
BUILDING SETBACKS			
Front Yard[1,2] (ft)	20	N/A	20
Side Yard[3'6] (ft)	10	N/A	10
Rear Yard (ft)	10	N/A	Lot 1: 27', Lot 2: 11', Lot 3: 10', Lot 4: 29', Lot 5: 26', Lot 6: 23', Lot 7: 11', Lot 8: 20', Lot 9: 21', Lot 10: 21'
BUILDING HEIGHT (ft.)	24 feet or 1.5 stories	35	35
STORIES	N/A	3	3
Lot Coverage (%)	N/A	70	70
3,500 SF per SFA Unit			

SEC. 1333.23(J) & 1333.20(G) OFF-STREET PARKING REQUIREMENTS	**RATE**	**REQUIRED**	**PROPOSED**
TOWNHOME (Per du)			
Off-Street Parking Spaces	1.8	18	12
Additional Street Parking Spaces			
Total Parking Spaces		**18**	**12**
SINGLE FAMILY (Per du)			
Off-Street Parking Spaces	2.0	20	2
Additional Street Parking Spaces			
Total Parking Spaces		**20**	**2**

NOTES

*** Existing Parcel/ Lot

[1] In situations where there are not three (3) contiguous properties to either side of the subject property, where possible, reviewing the front setbacks in the next block on the same side of the street shall be considered.

[2] Front yard setback shall be measured from the face of the curb.

[3] No Side yard shall be required adjoining any Lot line that coincides with party-wall in an attached Dwelling or other Use.

[4] One existing lots of record fronting on W. Academy Street

[5] Width of lot shall be determined by ability to meet setbacks when a principle use is located on the lot.

[6] For Lot 10, a 20' side setback is proposed since it is a corner lot.

LEGEND

- EX. INDEX CONTOUR MAJOR (260)
- EX. INT. CONTOUR MINOR (258)
- EX. PROPERTY LINE
- EX. ADJACENT PROPERTY LINE
- EX. ROAD CENTERLINE
- EX. BUILDING OUTLINE
- EX. FENCE
- EX. CURB AND GUTTER
- EX. OVERHEAD ELECTRIC (OHU)
- EX. SIDEWALK
- EX. FLOODPLAIN EASEMENT
- EX. ACCESS EASEMENT
- EX. FIRE HYDRANT
- EX. UTILITY POLE
- EX. GUY WIRE
- EX. LIGHT POLE
- EX. STORM DRAIN MANHOLE

- PROPOSED PROPERTY LINE
- PROPOSED PROPERTY SETBACK
- PROPOSED RIGHT-OF-WAY BOUNDARY
- PROPOSED BUILDING OUTLINE
- PROPOSED CURB & GUTTER (TRANSITION / REVERSE)
- PROPOSED EASEMENT
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED SEWER MANHOLE
- PROPOSED WATER VALVE

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SKETCH PLAN
ANN STREET LOTS

MAP 4 PARCEL 101, 105 & 106
CITY OF CHARLES TOWN, WEST VIRGINIA

MARK	DATE	DESCRIPTION

PROJECT No.: 22099.002.00
DRAWING No.: 112159
DATE: 07/01/2024
SCALE: AS SHOWN
DESIGN: AHF
DRAWN: AHF
CHECKED: SSK

SHEET TITLE:

NOTES AND LEGEND

SHEET No.

SK-3

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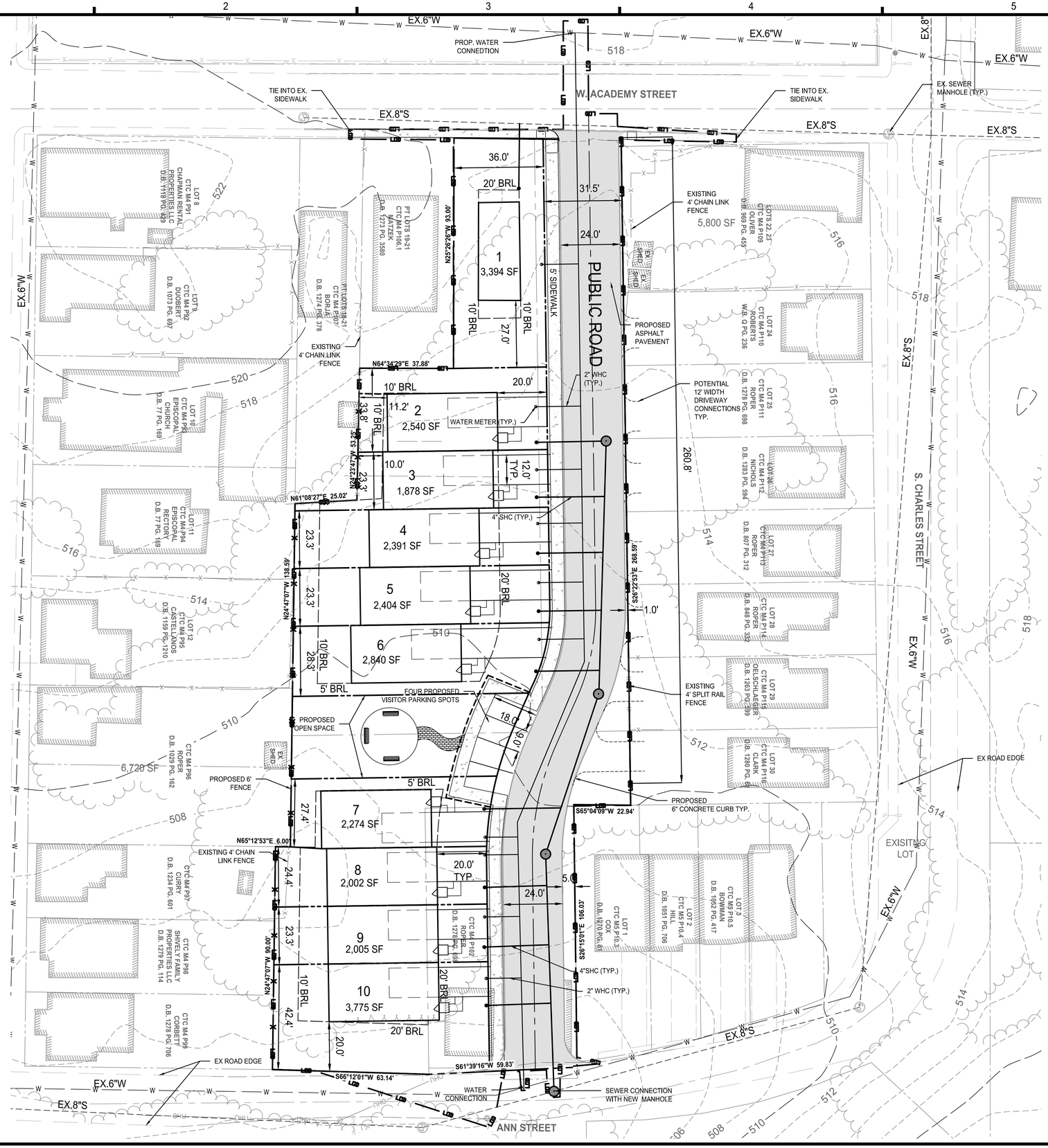


IMEG
4035 Ridge Top Rd, Suite 601
Fairfax, VA 22030 P 703.273.6820
engineering • surveying • land planning

SKETCH PLAN
ANN STREET LOTS

MAP 4 PARCEL 101, 105 & 106
CITY OF CHARLES TOWN, WEST VIRGINIA

MARK	DATE	DESCRIPTION

PROJECT No.: 22099.002.00
DRAWING No.: 112159
DATE: 07/01/2024
SCALE: 1"=20'
DESIGN: AHF
DRAWN: AHF
CHECKED: SSK

SHEET TITLE:

SKETCH PLAN

SHEET No.

SK-4

P:\Projects\22099\002\00\112159 SKETCH PLAN\SK-1-4 SKETCH PLAN.dwg, 7/1/2024 9:40:33 AM, Matthew Polkhaus,

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1201: Public Hearing: *ZMA204-04* Vinton-Hayes Rezoning

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1184: *ZMA204-04* Vinton-Hayes Rezoning - 1st Read

Proposed Motion: Move to approve rezoning approximately 180 acres of land on two parcels from Urban Reserve to Neighborhood Residential

ATTACHMENTS:

- 1._Staff_Report.pdf
- Application.pdf
- Market Analysis.pdf
- COA Revised.pdf
- Topography.pdf
- Revised Plan 2.pdf

Rezoning Request

ZMA2024-04

Date: For the December 2, 2024, 2024 City Council meeting

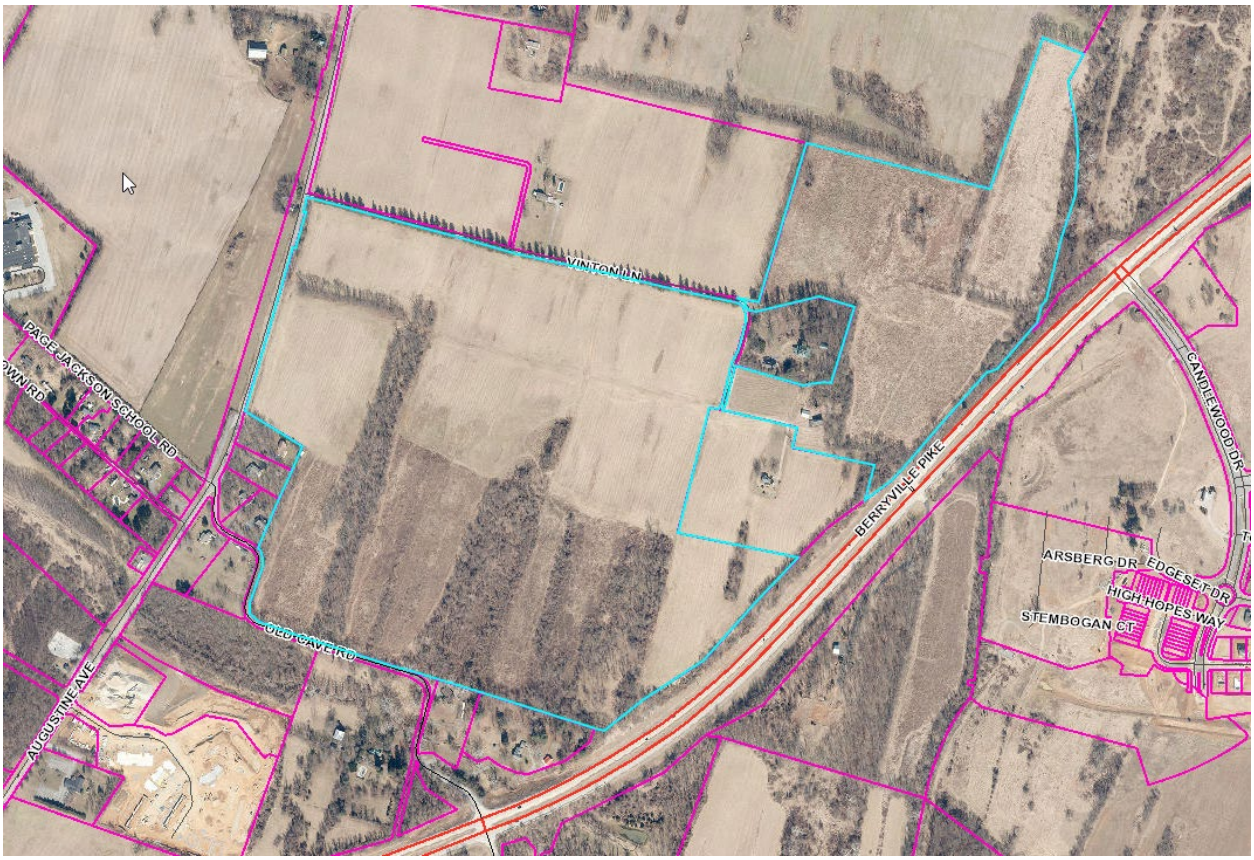
Applicant: Elm Street Communities LLC

Property Owner: HAYES ROSCOE A ET AL

Report by: James Newman, City Planner, Zoning/Subdivision Administrator.

Proposal: Rezoning to Urban Reserve.

Property Location: TD 03 / Map: 12 / Pcls 217 & 218.



PROJECT OVERVIEW

Request by Elm Street Communities LLC to rezone approximately 180 acres of land on two parcels from Urban Reserve to Neighborhood Residential.

CURRENT ZONING

The property is wholly zoned as Urban Reserve, which is a placeholder zoning district with no permitted uses. Per the Zoning Ordinance:

> "*The Urban Reserve (UR) District is the zoning classification which is applied to annexed parcels upon approval and assignment into the City's jurisdiction. The UR District is a temporary holding district meant to accommodate existing Uses until the most appropriate zoning classification is enacted through the zoning amendment provisions specified under Section 1321.12 of this Ordinance; …*"

PROPOSED REZONING

The applicant seeks to rezone the properties in their entirety to Neighborhood Residential.

*The purpose of the NR District is to provide for a **mix of housing types and related services** and Uses, including Commercial Uses and office services. It is the intent of the zoning classification to **allow mixed development** on undeveloped land and, where applicable as may be further described in this Ordinance, the Redevelopment of specific parcels within the City. The NR District applies to parcels or tracts larger than five (5) acres. The intent is to **create a cohesive pattern of primarily residential development** that allows a mix of Uses, including neighborhood servicing Commercial and office Uses and/or Commercial and office **Uses that complement the primarily residential character** of the neighborhood;*

*The NR District must contain a mix of Uses compatible with surrounding Uses, particularly existing residential neighborhoods adjoining the proposed development or Redevelopment**. At least fifty percent (50%)** of the total area must be **residential**, **ten percent (10%)** of the total usable land area must be **Open Space** and **not less than ten percent (10%)** of the total area must be comprised of **Neighborhood Commercial non-residential uses**. A market assessment substantiating the proposed mix of residential, Commercial and Open Space Uses shall be submitted with the application.*

Zoning Requirements

The applicant submitted a concept plan and has made two revised sets of plans in response to staff comments. The original plan set did not meet the commercial area requirements; the subsequent revised plans meet the residential, open space, and commercial minimum land use requirements.

Attached to this staff report are concept plans showing potential development options. While the City cannot condition approval of the rezoning on adherence to a specific development plan, the applicant may voluntarily proffer a general plan design as part of the rezoning.

Proposed Development Plan - Original



Proposed Development Plan – Revision 1



Proposed Development Plan – Revision 2



MARKET STUDY

The applicant has provided a market analysis as required.

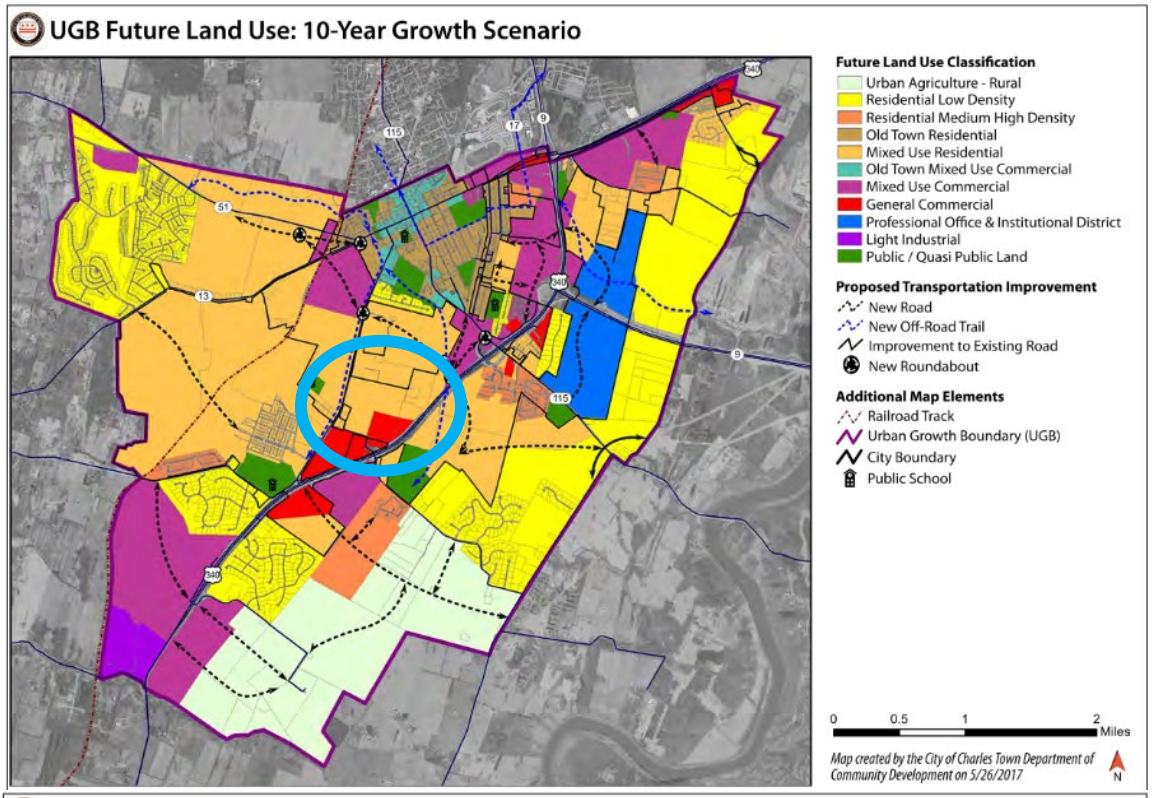
The retail market in Charles Town is diverse and has depth, providing multiple vendors in each of the major market segments to the residents of Charles Town. This variety is enhanced when the offerings of Ranson and surrounding Jefferson County are taken into consideration. There are currently no retail projects in the development pipeline. There are approximately 274 acres of vacant land currently zoned for commercial development. The retail market is growing, but there is significant land available for continued growth. The Vinton Hayes proposal will add 18.7 acres (6.7%) to the 274 acres of existing vacant commercial land. The strong existing retail base will likely grow at a slow rate as long as the regional economy continues to expand.

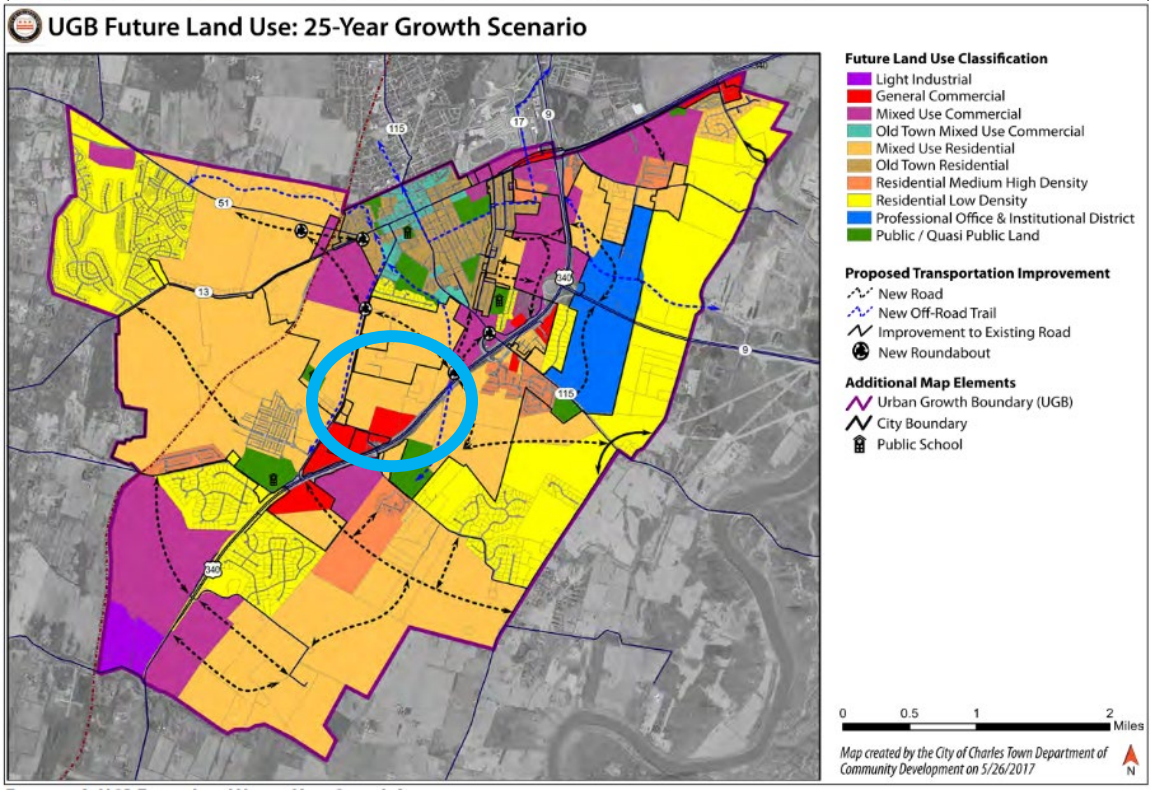
New entrants to the Charles Town market will have several sites to choose from, and this competition may depress commercial land values in the near term. Consider too that lower cost development opportunities may lead to increased vacancies among older properties. We believe that with the build out of the residential portion of Vinton Hayes and the continued addition of new residential units in the market, perhaps one or two commercial users can be brought to Vinton Hayes. The most likely candidates are fast food and gas with convenience retail.

We believe that the remaining commercial land in Vinton Hayes will be absorbed very slowly. Significant portions may remain vacant for years to come.

COMPREHENSIVE PLAN

The 2040 Comprehensive Plan designates this property as Mixed-Use Residential and General Commercial. The property is circled in blue below:





The Comprehensive Plan defines *Mixed-Use Residential* Future Land Use as:

> Categories are intended to **provide for a mix of housing types and sizes** (e.g. tiny houses), **as well as related services and uses**, **including** compatible and supporting **commercial** uses **and office** services. Regarding the mixing of uses, **residential uses are predominate and non-residential uses are secondary**, supporting the needs of the residential uses. Areas classified as Mixed Use Residential are a continuation of Charles Town's existing zoning category of Neighborhood Residential District and by extension, the non-residential uses would be similar to that of the Neighborhood Commercial zoning category. The Future Land Use Map envisions a higher intensity and density of uses oriented near Downtown to provide for greater walkability, accessibility, and mobility between Downtown commerce and surrounding neighborhoods.
>
> *-Comprehensive Plan page 72*

The Comprehensive Plan defines General Commercial as:

> The purpose of the General Commercial Future Land Use classification is to provide locations for **businesses of a more general nature** that may not be found in a neighborhood and can be served with adequate water, sewer, gas, and electric service. The businesses proposed in this Comprehensive Plan update include **retail, wholesale, and some light processing operations**. These uses tend to be very **auto centric**. It will be important for the Charles Town community (residents, visitors, and investors alike) to strongly consider the City's small town, historical significance of building and site design. New commercial development should strongly consider and be encouraged to deliver commercial products that uphold the City's small town and historical character and encourage walkable communities.
>
> *-Comprehensive Plan page 75*

CONDITIONS OF ANNEXATION

The property was subject to COA that anticipated a mixed-use development centered around a hospital complex. The original COA was signed off by then Mayor Smith in January 2007. In early 2023 that COA was dissolved by mutual agreement of the City and the property owners. One of the conditions was that the property would be rezoned to Urban Reserve.

REZONING CRITERIA

Per Zoning Ordinance Section 1321.12, *Zoning Amendments*:

> *City Council, with the advice of the Planning Commission, finds either that the amendment is consistent with the City's Comprehensive Plan, or that the amendment is not consistent with the Comprehensive Plan but that there have been major changes of an economic, physical, or social nature within the area involved that were not anticipated when the Comprehensive Plan was adopted and that such major changes have substantially altered the basic characteristics of the area.*

1. *Is the zoning amendment consistent with the Comprehensive Plan?*

   Yes. The applicant seeks to rezone the entirety of the property to Neighborhood Residential. That is consistent with the Mixed-Use Residential aspect of the Comprehensive Plan. Neighborhood Residential requires at least 10% of the site be developed for *Neighborhood Commercial* non-residential uses; for this site of 180 acres at that requirement is 18 acres.

   There is no proposed General Commercial zoning district. The proposed zoning district of Neighborhood Residential requires that the commercial uses on site be consistent with those allowed by the Neighborhood Commercial zoning district. While Neighborhood Commercial is not as permissive in regards to commercial uses as General Commercial, it allows for the sort of "*businesses of a more general nature…retail, wholesale*" which are completed in the Comprehensive Plan, such as: shopping center, hardware store, discount supermarket, pharmacy, restaurants, coffee-shops, etc…

2. *Have there been major changes of an economic, physical, or social nature within the area involved that were not anticipated when the Comprehensive Plan was adopted and that such major changes have substantially altered the basic characteristics of the area?*

   No. The Comprehensive Plan was adopted six years ago, in 2018. There have been no substantial changes within that time to alter the basic characteristics of the area.

   However, the development of this parcel as a residential periphery around a hospital/commercial subject to a set of specific conditions and development ideas was deemed unviable after 17 years of no development, and the COA was revised by Council in 2023.

A previous rezoning to Residential Medium/High Density (R15) was denied by Council on November 8, 2023. The current Urban Reserve zoning was approved by Council on February 20, 2024.

PLANNING COMMISSION

The Planning Commission held a public hearing for this request at their October 28, 2024 meeting. There was one resident who spoke, voicing concerns about traffic and the impact of the proposed density on neighboring properties.

Following discussion, the Commission voted to unanimously recommend **approval**.

CONCLUSION

The applicant is proposing to rezone 180 acres of land to Neighborhood Residential. The Comprehensive Plan designates these parcels for residential and commercial use. The General Commercial zoning aspect was based on Conditions of Annexation which are no longer applicable to the properties. The proposed development must have at least 18 acres of commercial development, at least 60 acres of residential development, and at least 18 acres of open space.

RECOMMENDATION

Approval.

Petition No._____

PETITION FOR ZONING AMENDMENT

Fee: $400

Zoning amendment petitions shall provide the following information:

1. Date _____

2. APPLICANT'S NAME* Elm Street Communities, Inc.

   Address: 1355 Beverly Road, Suite 240 McLean, VA 22101

   Telephone Number ( ) 703 734-9730

   Email Address jperry@elmstreetdev.com

3. PROPERTY OWNER'S NAME Hayes Roscoe A. et al

   Address: 245 Vinton Ln, Charles Town, WV 25415

   Telephone Number ( ) 304-671-1078

   Email Address roscoeahayes@yahoo.com

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (list all parcels that apply)

   Property Address: 245 Vinton Lane

   Tax Map # and Parcel(s): Map 12, Parcels 0217 and 0218

   Deed Book and Page: 1250/338

   Property Area in Square Feet or Acres: 180.11 Acres

   *Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

5. PROVIDE SCALED MAP, TO BE ATTACHED, OF THE PROPERTY CLEARLY SHOWING THE PROPERTY'S LOCATION AND PROPERTY AREA IN SQUARE FEET AND/OR ACRES:

See Attached plan.

6. DESCRIPTION OF APPLICANT'S INTEREST IN THE PROPERTY:

Rezoning the property to Neighborhood Residential from Urban Reserve zone.

7. DESCRIPTION OF THE EXISTING (OR FORMER) USE(S) OF THE PROPERTY AND CURRENT ZONING:

The property is currently zoned Urban Reserve. It currently has one residence, farm outbuildings, fallow fields, and wooded areas. The prior use is agricultural.

8. DESCRIPTION OF THE PROPOSED USE(S) OF THE PROPERTY AND REQUESTED ZONING DISTRICT:

The property will be rezoned to Neighborhood Residential, with the intent of subdividing into a mixed-use community once the zoning is determined.

9. DESCRIBE HOW THE ZONING MAP AMENDMENT WILL BE CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN:

The Property is bordered on the East by Route 340 and adjacent Neighborhood Residential. It is bordered on the North, South and West by residential land and an Elementary school. The property is within the Urban Growth Boundary of the City as shown in the Comprehensive Plan.

10. TIME SCHEDULE FOR DEVELOPMENT: (AS APPLICABLE)

Rezoning to Neighborhood Residential is the first step.

11. PARCEL HISTORY (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

Application No.	Project Name and Phase	Status	Approval Date
No pending applications			

NOTES

Additional exhibits may be required by the Zoning Administrator such as a lot location survey or site plan showing existing and if applicable, proposed structures, easements, watercourses, curb cuts and description of the uses of adjacent property that are necessary to describe existing or proposed conditions.

Any desire to amend or withdraw this petition must be submitted in writing to the Zoning Administrator. Also, if ownership of any part of or all of the real property subject to the petition shall change during the pendency of the petition, the Petitioner shall be required to immediately advise the Zoning Administrator in writing.

APPLICANT'S CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Section 1321.12 and relevant provisions of the Charles Town Zoning Ordinance outlining the Zoning Amendment procedures.

Signature of Applicant

James L. Parry, V.P. Date 8/30/24

Signature of Owner(s) (If different than Applicant)

Roscoe A. Hayes Date _____

Please submit an original completed petition to the following:

Zoning Administrator
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

FOR CITY USE ONLY

Application Number:_____ Date Petition Received:_____

Fee: $_____ Check No._____ Receipt No._____

City Council Approval:_____ Date:_____

Comments:_____

#3 Property Owners Continued

NAME:	Alice M. Spickler and Donald Spickler Co-Trustees of the Alice M. Spickler Living Trust
Address:	4041 Fairway Drive, Medina, OH 44256
Email Address:	omnirph@zoominternet.net and im4wvu@zoominternet.net
Phone:	330-421-6476 and 330 421-6475
NAME:	Joseph R. Gallo
Address:	80 Ridgewood Road, Unit 205, Township of Washington, NJ 07676
Email Address:	joseph.r.gallo@gmail.com
Phone:	201 289-0387

APPLICANT'S CERTIFICATION Continued

Signature of Owners

Alice M Spickler

Alice M. Spickler

Date _____

Donald Spickler

Donald Spickler

Date _____

Joseph R. Gallo

Joseph R. Gallo

Date _____

Signature: Alice M Spickler
Alice M Spickler (Aug 30, 2024 13:57 EDT)

Email: omnirph@zoominternet.net

Signature: Donald L Spickler
Donald L Spickler (Aug 30, 2024 13:59 EDT)

Email: im4wvu@zoominternet.net

Signature: JosephR. Gallo
JosephR. Gallo (Aug 30, 2024 14:05 EDT)

Email: joseph.r.gallo@gmail.com

Signature: Roscoe A. Hayes
Roscoe A. Hayes (Aug 30, 2024 21:53 GMT)

Email: roscoeahayes@yahoo.com

Vinton Farm - Petition for Zoning 08302024

Final Audit Report 2024-08-30

Created:	2024-08-30
By:	Jennifer Gageby (jgageby@kaycasto.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA39MegjczV7mYWWT4s3-tJlNXsMm5i3pV

"Vinton Farm - Petition for Zoning 08302024" History

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2024-08-30 - 5:03:12 PM GMT

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2024-08-30 - 5:57:38 PM GMT

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Adobe Acrobat Sign

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Signer roscoeahayes@yahoo.com entered name at signing as Roscoe A. Hayes
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Document e-signed by Roscoe A. Hayes (roscoeahayes@yahoo.com)
Signature Date: 2024-08-30 - 9:53:51 PM GMT - Time Source: server

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Market Study for Vinton Hayes

Prepared by Elm Street Development
October 24, 2024

Introduction:

The Vinton Hayes rezoning application proposes to change the zoning category of parcels TD 03, Map 12, Parcels 0217.0000 and 0218.0000, 180.1 acres combined, from Urban Reserve to Neighborhood Residential. The concept plan proposes 18.7 acres (10.4% of site area) for neighborhood commercial uses (primarily retail uses, not office), oriented towards Berryville Pike. If developed at a typical retail density of 0.25 FAR, 175,000 square feet of new commercial uses could be added to the market, a sizeable increase to the square feet of commercial property located within the City. The application also proposes 582 (+/-) new residential housing units (approximately 300 single family homes and 282 townhomes). This report investigates the current conditions of the residential and commercial real estate markets in Charles Town.

Demographics:

Charles Town is the county seat of Jefferson County, West Virginia. Located in the Eastern Panhandle of the state, it has physical proximity and ready access by road and rail to Northern Virginia and Washington, D.C. For this reason, it is considered to be part of the Washington Metropolitan Statistical Area. Commuter rail also provides convenient access to employment opportunities in Baltimore and its suburbs. The population was 6,534 as of the 2020 census. The average household income is $105,000, among the highest in the state. The population of Jefferson County was 59,000 in 2022.

Retail Market

Segments of the Retail Market:

Automobile Sales: There are several pre-owned automobile sales establishments, but no new automobile dealerships in the Charles Town area.

Automotive Services: There are several automotive service and auto parts stores located in the area.

Entertainment and Leisure: Charles Town offers a wide variety of entertainment options and is regionally known for Hollywood Casino at Charles Town Races. The Old Opera House Theatre Company is also locally famous for its live theater productions. There are no movie theaters in the immediate area.

Grocery Stores: There are several grocery stores in Charles Town and the surrounding area, including Aldi, Food Lion, Martin's, Walmart and Weis. A 2021 survey conducted by Charles Town Now identified "Gourmet Foods" as a desirable opportunity in the market, a store that supplies specialty foods and locally sourced products.

Home Improvement: This segment of the market is currently filled by Walmart in Charles Town proper. Home Depot and 84 Lumber are located in Ranson.

Pharmacies: National chains CVS, Walgreens and Walmart are in the market. Jefferson Pharmacy and Charles Town Pharmacy are two independent operators.

Restaurants and Dining: Charles Town and the surrounding area offer a wide variety of dining options ranging from fast food and fast casual to fine dining. National chains as well as locally owned restaurants are present. A 2021 survey conducted by Charles Town Now identified "Specialty Cuisine" and "Upscale Dining" as opportunities in the marketplace.

Retail Stores: The historic downtown area has been home to a wide variety of retail shops and service providers since the town's founding. Thanks to local and regional support, and the efforts of the Main Street America program, these businesses continue to thrive and provide the services that residents depend on.

Shopping Centers:

- **Charles Town Plaza** – Regional shopping center anchored by Walmart Supercenter, offering 206,000 s.f. of space. There are two 1,600 s.f. spaces available for lease.
- **Jefferson Crossing**- A grocery-anchored shopping center, totaling 159,000 s.f. Martin's and CVS co-anchor this center. AutoZone, Applebee's and Sherwin Williams are notable, national tenants. There are five spaces available for lease, totaling 19,560 sf, or 12% of the shopping center.
- **Somerset Village** - Anchored by Food Lion grocery store, other notable tenants include Starbucks Coffee, Golds Gym, and Dollar General.

Vacant Commercial Zoned Land:

There are approximately 274 acres of vacant land located along U.S. Route 340 and the 340/9 Bypass in the City of Charles Town. The main parcels are identified in the table below.

Location	*Project / Owner*	*Size (acres)*
Rte. 340 / E. Washington St	Maritasha I	40
	1st Charles Town Realty	19
Rte. 340 / 9 Bypass	Stone Spring	6
	Prospect Place	62
Rte. 9	WVU Hospital	54
	Langlet	9
Rte. 340 (south of Rte 9)	Norborne Glebe	39
	Stolipher Property	45
	Total	**274**

Conclusion:

The retail market in Charles Town is diverse and has depth, providing multiple vendors in each of the major market segments to the residents of Charles Town. This variety is enhanced when the offerings of Ranson and surrounding Jefferson County are taken into consideration. There are currently no retail projects in the development pipeline. There are approximately 274 acres of vacant land currently zoned for commercial development. The retail market is growing, but there is significant land available for continued growth. The Vinton Hayes proposal will add 18.7 acres (6.7%) to the 274 acres of existing vacant commercial land. The strong existing retail base will likely grow at a slow rate as long as the regional economy continues to expand. New entrants to the Charles Town market will have several sites to choose from, and this competition may depress commercial land values in the near term. Consider too that lower cost development opportunities may lead to increased vacancies among older properties. We believe that with the build out of the residential portion of Vinton Hayes and the continued addition of new residential units in the market, perhaps one or two commercial users can be brought to Vinton Hayes. The most likely candidates are fast food and gas with convenience retail. We believe that the remaining commercial land in Vinton Hayes will be absorbed very slowly. Significant portions may remain vacant for years to come.

Residential Market

Overview:

The residential market continues to be supply constrained. The 2.24 months supply of homes for sale in Jefferson County is a slight improvement over the 1.7 months of supply in September 2023 (see Exhibit A), but these figures are a long way from the 6 months supply that is considered to be a balanced market. Constrained supply puts upward pressure on home prices. The median home price in Jefferson County rose to $410,267, an 18.5% increase from this time last year (see Exhibit B). The supply of existing homes for sale will likely remain constrained for the foreseeable future as many existing homes are financed at historically low interest rates that owners are not eager to surrender. In the foreseeable future, new home construction will play a larger role in satisfying the demand for housing. Increasing the supply of entitled and finished lots is the first step to increasing the supply of housing. Inflation subsided in 2024, and interest rates (both short term and long term) began to come down. Interest rates are projected to continue falling in 2025 which will benefit builders and homebuyers alike.

There are 11 major new communities actively selling homes in the Charles Town and Southeast Jefferson County submarkets (see Exhibit C). These communities provide a mix of townhomes and single family homes at a range of price points. There are an estimated 1,801 lots remaining (finished and unfinished) in these communities. Based on the historical sales of homes in these communities, this represents a 4.8-year supply of lots.

Conclusion:

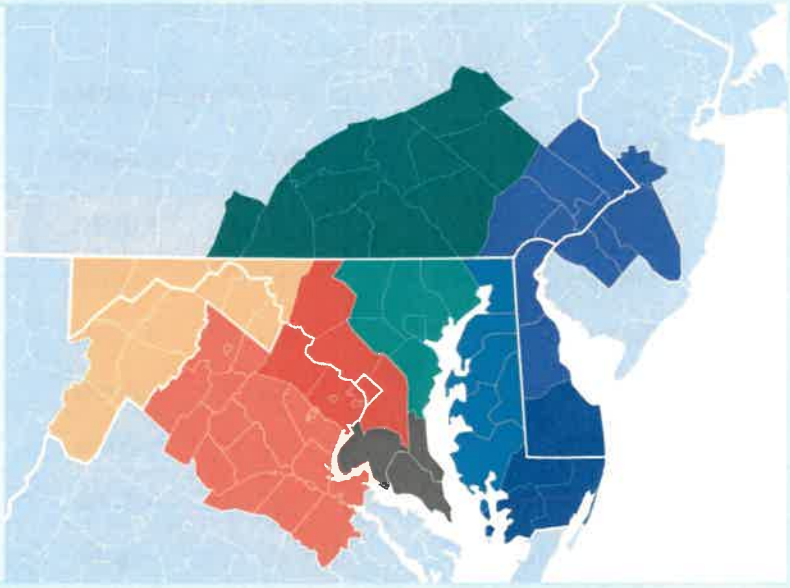
The residential resale market is likely to remain supply constrained for some time, driving an increased demand for new homes. Land development is a long lead-time activity. It can take 24 months or longer to entitle, design and permit a new housing development. The site work to produce the first finished lots can take 6-9 months. With a lead-time of more than 30 months, the land development industry must always be sourcing new land and starting the entitlement and development process. Given this lengthy process, the Vinton Hayes application is timely. The first phase of lots would be available to the market in about 2 or 2 ½ years, in either the fall of 2026 or the spring of 2027.

Local Markets

	Active Listings		Months of Supply	
	Sep '24	vs. Sep '23	Sep '24	vs. Sep '23
MD/WV Panhandle	1,554	+20.8%	2.50	+0.32 months
Allegany County, MD	155	+5.4%	2.72	+0.19 months
Berkeley County, WV	418	+19.4%	1.95	+0.12 months
Garrett County, MD	222	+38.8%	6.00	+1.79 months
Grant County, WV	22	+83.3%	7.33	+4.33 months
Hampshire County, WV	65	+14.0%	3.25	+0.4 months
Hardy County, WV	40	+25.0%	4.44	+0.88 months
Jefferson County, WV	211	+45.5%	2.24	+0.49 months
Mineral County, WV	37	-9.8%	2.31	+0.03 months
Morgan County, WV	83	+48.2%	3.32	+0.89 months
Pendleton County, WV	20	+17.6%	6.67	+1 months
Washington County, MD	281	+4.5%	2.04	+0.09 months

Local Market Map

- MD/WV Panhandle
- North Central Virginia
- Washington D.C., Metro
- Central Pennsylvania
- Baltimore Metro
- Southern Maryland
- Maryland Eastern Shore
- Philadelphia Metro
- Del/Mar Coastal



About Bright MLS

Bright MLS was founded in 2016 as a collaboration between 43 visionary associations and two of the nation's most prominent MLSs to transform what an MLS is and what it does, so real estate pros and the people they serve can thrive today and into our data-driven future through an open, clear and competitive housing market for all. Bright is proud to be the source of truth for comprehensive real estate data in the Mid-Atlantic, with market intelligence currently covering six states (Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia) and the District of Columbia.

Please contact **Christy Reap, Media Relations Director** with interview or information requests:

- (202) 309-9362
- christy.reap@brightmls.com

Local Markets	Closed Sales		Median Sales Price		Median Days on Market	
	Sep '24	vs. Sep '23	Sep '24	vs. Sep '23	Sep '24	vs. Sep '23
MD/WV Panhandle	659	+12.3%	$309,900	+8.7%	16 days	+4 days
Allegany County, MD	82	+54.7%	$169,950	+16.6%	25 days	+11 days
Berkeley County, WV	219	+9.5%	$315,000	+14.0%	13 days	+5 days
Garrett County, MD	43	+2.4%	$445,000	-4.6%	41 days	+23 days
Grant County, WV	2	-33.3%	$162,000	-9.9%	4 days	-11 days
Hampshire County, WV	13	-50.0%	$221,000	+5.2%	24 days	+3 days
Hardy County, WV	3	-75.0%	$250,000	-32.4%	5 days	-17 days
Jefferson County, WV	98	+11.4%	$410,267	+18.5%	14 days	-5 days
Mineral County, WV	12	-29.4%	$293,000	+33.2%	29 days	+15 days
Morgan County, WV	29	+38.1%	$300,000	+13.6%	15 days	+6 days
Pendleton County, WV	5	+66.7%	$399,000	+565.0%	92 days	-19 days
Washington County, MD	153	+25.4%	$305,000	-8.8%	14 days	+3 days

Local Markets	New Pending Sales		New Listings		Showings	
	Sep '24	vs. Sep '23	Sep '24	vs. Sep '23	Sep '24	vs. Sep '23
MD/WV Panhandle	741	+18.9%	743	+5.7%	9,155	+13.5%
Allegany County, MD	85	+63.5%	65	+16.1%	965	+10.4%
Berkeley County, WV	241	+15.9%	258	+2.4%	2,787	+14.1%
Garrett County, MD	38	-15.6%	47	-2.1%	786	+16.1%
Grant County, WV	4	+0.0%	3	-57.1%	10	-23.1%
Hampshire County, WV	31	-11.4%	25	+0.0%	198	-11.6%
Hardy County, WV	18	+28.6%	10	-9.1%	96	-20.7%
Jefferson County, WV	122	+79.4%	129	+57.3%	1,508	+67.0%
Mineral County, WV	18	+5.9%	15	-6.3%	128	-17.4%
Morgan County, WV	31	+3.3%	31	+24.0%	418	+8.6%
Pendleton County, WV	8	+33.3%	5	+0.0%	11	+450.0%
Washington County, MD	145	+0.7%	155	-11.9%	2,248	-1.0%

Exhibit C

New Residential Communities in Charles Town and Southeast Jefferson County

	Community	*Location*	*Type*	*Total Units*	*Sold (10/13/24)*	*Remaining*
1	**Huntfield**	Charles Town	SF	235	202	33
	Dan Ryan Builders		TH	0	0	0
2	**King's Crossing**	Charles Town	SF	175	29	146
	Dan Ryan Builders		TH	205	52	153
3	**Norborne Glebe**	Charles Town	SF	128	109	19
	Lennar		TH	256	175	81
4	**Essence at Stone Spring**	Charles Town	SF	248	0	248
			TH	77	0	77
5	**Magnolia Springs**	Charles Town	SF	296	276	20
	DR Horton		TH	0	0	0
6	**Beallair**	Charles Town	SF	296	246	50
	Wormald		TH	0	0	0
7	**Avalon**	Charles Town	SF	102	0	102
	LGI		TH	85	0	85
8	**President's Pointe**	Ranson	SF	181	66	116
	Stanley Martin		TH	184	125	61
9	**Red Clover Meadows**	Ranson	SF	61	1	60
	Lennar		TH	197	4	193
10	**Shenandoah Springs**	Ranson	SF	79	58	21
	Lennar		TH	162	48	114
11	**Huntwell West**	Ranson	SF	0	0	0
	Maronda Homes		TH	225		225
				3,192	1,391	1,801

Sources: Zonda; City of Charles Town Community Development; builder web sites

CITY OF CHARLES TOWN
WEST VIRGINIA

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT RESCINDING, CANCELING, AND NULLIFYING, AS BETWEEN THE PARTIES TO SUCH AGREEMENT, THOSE CERTAIN CONDITIONS OF ANNEXATION DATED THE 30th DAY OF JANUARY, 2007, ENTERED BY AND BETWEEN ROLFE G. HAYES AND AHMAD H. ABDUL-BAKI, AS OWNERS OF THE SUBJECT REAL PROPERTY, AND THE CITY OF CHARLES TOWN, AND RELEASING THE PARTIES TO SUCH AGREEMENT FROM ANY EXECUTORY OBLIGATIONS, COVENANTS, OR DUTIES UNDER THE CONDITIONS OF ANNEXATION.

WHEREAS, pursuant to (i) an Ordinance duly approved upon second reading and adopted by the Common Council of the City of Charles Town at a regular meeting held on October 16, 2006 (the "Annexation Ordinance"), and (ii) an Order entered by the County Commission of Jefferson County, West Virginia, on November 30, 2006 (the "Annexation Order"), the City of Charles Town annexed within its corporate limits four (4) parcels of land containing an aggregate of 268.8668 acres, more or less, being two parcels then owned by Rolfe G. Hayes ("Hayes") containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, a parcel then owned by Ahmad H. Abdul-Baki ("Abdul-Baki") containing 4.6209 acres, more or less, and a portion of the Route 340 Bypass containing approximately 55.15 acres, more or less (collectively, the "Annexed Property");

WHEREAS, pursuant to a Resolution duly adopted by the Common Council of the City of Charles Town at the aforesaid meeting held on October 16, 2006, the City of Charles Town accepted and approved the annexation of the Annexed Property and thereby agreed with Hayes and Abdul-Baki to the provisions of those certain Conditions of Annexation thereafter executed by Hayes, Abdul-Baki, and the then Mayor, and dated the 30th day of January (the "Conditions of Annexation");

WHEREAS, the Conditions of Annexation contemplated a specific development project that required rezoning particular portions of the Annexed Property, respectively, to General Commercial, Neighborhood Residential, and Residential Multi-Family districts, and other modifications to the zoning regulations in order to permit construction of a hospital and related medical uses and professional uses in the General Commercial district and innovative residential units in the residential districts;

WHEREAS, the Conditions of Annexation required that the final development design of the development project be in general conformance with an Annexation Concept Plan attached to the Conditions of Annexation (the "Concept Plan");

WHEREAS, the Conditions of Annexation further contemplated that, in order to facilitate the construction of a new hospital and medical office facility on the Annexed Property, approximately thirty (30) acres of land would be donated to West Virginia University Hospitals –

East for construction of a hospital and related medical uses and professional offices;

WHEREAS, subsequent to execution of the Conditions of Annexation, the intended purchaser and developer of the parcels owned by Hayes and Abdul-Baki withdrew from the contemplated transaction and development;

WHEREAS, in 2012, Abdul-Baki conveyed to third parties his parcel of 4.6209 acres, more or less;

WHEREAS, Hayes died in 2014 and his parcels containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, came to be held by Roscoe A. Hayes, Alice M. Spickler and Donald L. Spickler, Co-Trustees of the Alice M. Spickler Living Trust, and Joseph R. Gallo (collectively, the "Hayes Property Owners");

WHEREAS, in 2020, the Hayes Property Owners subdivided the parcel of 198.1519 acres, more or less, and conveyed therefrom a parcel of 27.8213 acres, more or less, to a third party;

WHEREAS, the Hayes Property Owners continue to hold the parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less (collectively, the "Hayes Property Owners' Property"), which property has not been further developed;

WHEREAS, in recognition that the Conditions of Annexation contemplated a specific development project and that it now and in the future would and will be impractical, if not impossible, to develop the specific development project contemplated, particularly in general conformance with the Concept Plan as required by the Conditions of Annexation, due to changed circumstances and for various reasons including, without limitation, that portions of the Annexed Property intended to be included in the development project are now owned by third parties and that construction of a hospital on the Annexed Property is no longer contemplated, the Hayes Property Owners have requested that the City of Charles Town agree to rescind, cancel, and nullify the Conditions of Annexation as between the Hayes Property Owners and the City of Charles Town and that the Hayes Property Owners and the City of Charles Town mutually release the other from any and all executory covenants and obligations thereunder; *provided that*, it is the intent and desire of the Hayes Property Owners that Paragraph V of the Conditions of Annexation, pertaining to provision of water and sanitary sewer service to the Annexed Property by the Charles Town Utility Board, shall remain in full effect ("Paragraph V Provision");

WHEREAS, the Hayes Property Owners have expressed that the existence of the Conditions of Annexation and the uncertainty of their effect have frustrated the efforts of the Hayes Property Owners to market and sell the Hayes Property Owners' Property, which has prevented development of such real property; and

WHEREAS, West Virginia University Hospitals – East has expressed its objection to rescission,

cancellation, and nullification of the Conditions of Annexation on the basis of an alleged right to donation of thirty (30) acres of land or the value thereof;

NOW, THE COUNCIL OF THE CITY OF CHARLES TOWN FINDS AND DECLARES, that the Conditions of Annexation contemplated a specific development project;

FURTHER FINDS AND DECLARES, that it now and in the future would and will be impractical, if not impossible, to develop the specific development project contemplated, particularly in general conformance with the Concept Plan as required by the Conditions of Annexation;

FURTHER FINDS AND DECLARES, that certain covenants and obligations of each of the Hayes Property Owners and the City of Charles Town to the other under the Conditions of Annexation remain unperformed and executory and, accordingly, the Conditions of Annexation are unenforceable by either the Hayes Property Owners or the City of Charles Town;

FURTHER FINDS AND DECLARES, that the best interests of the City of Charles Town would not be served by the City of Charles Town performing and satisfying its unperformed and executory covenants and obligations to the Hayes Property Owners under the Conditions of Annexation for the sole purpose of positioning the City of Charles Town to enforce the Conditions of Annexation against the Hayes Property Owners;

FURTHER FINDS AND DECLARES, that leaving the Conditions of Annexation in effect between the Hayes Property Owners and the City of Charles Town serves no current or contemplated future purpose of the City of Charles Town;

FURTHER FINDS AND DECLARES, that it is in the best interests of the City of Charles Town to agree to rescind, cancel, and nullify the Conditions of Annexation as between the Hayes Property Owners and the City of Charles Town, with mutual releases of their respective executory covenants and obligations thereunder, excepting only the Paragraph V Provision; and

FURTHER FINDS AND DECLARES, that, in light of the continuing applicability of the Conditions of Annexation to the 4.6209 acre, more or less, parcel and the 27.8213 acre, more or less, parcel conveyed to third parties, as discussed above, each of the current owners of such parcels should be offered the opportunity to enter a separate agreement rescinding, canceling, and nullifying the Conditions of Annexation as between such owner and the City of Charles Town, with mutual releases of their respective executory covenants and obligations thereunder;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that the Mayor of the City of Charles Town be, and hereby is, authorized and directed to execute and enter on behalf of the City of Charles Town an agreement with the Hayes Property Owners in the form of that attached as EXHIBIT A that rescinds, cancels, and nullifies the Conditions of Annexation as between the Hayes Property Owners and the City of Charles Town, with mutual releases of their respective executory covenants and obligations thereunder, excepting only the Paragraph V Provision (the "Hayes Property Owners Nullification Agreement");

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that, in the event the current owner(s) of the 4.6209 acre, more or less, parcel and/or the current owner(s) of the 27.8213 acre, more or less, parcel conveyed to third parties, as discussed above, so elect, the Mayor of the City of Charles Town be, and hereby is, authorized and directed to execute and enter on behalf of the City of Charles Town an agreement with such persons in the form of that attached as EXHIBIT A, but with such persons substituted for the Hayes Property Owners therein and with Subsections 1(a), 2(a), and 3(b)(i) deleted therefrom (each, a "Third Party Nullification Agreement");

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance does not and shall not be deemed to, and neither the Hayes Property Owners Nullification Agreement nor any Third Party Nullification Agreement shall or shall be interpreted to, de-annex or otherwise affect the annexation of the Annexed Property, which Annexed Property shall remain annexed within the corporate limits of the City of Charles Town;

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance does not and shall not be deemed to, and neither the Hayes Property Owners Nullification Agreement nor any Third Party Nullification Agreement shall or shall be interpreted to, undo, reverse, change, or affect the current zoning of the Annexed Property as reflected on the Charles Town Zoning Map except that, pursuant to Section 3(b)(i) of the Hayes Property Owners Nullification Agreement, the Hayes Property Owners shall seek a change in the zoning classification of the Hayes Property Owners' Property to the Urban Reserve District by zoning amendment, for which purposes the prior rezoning of the Hayes Property Owners' Property pursuant to the Conditions of Annexation shall be considered revoked, annulled, void, and of no effect for all purposes;

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance does not and shall not be deemed to, and neither the Hayes Property Owners Nullification Agreement nor any Third Party Nullification Agreement shall or shall be interpreted to, undo, cancel, reverse, or otherwise make or render ineffective any other act heretofore performed by any party pursuant to the Conditions of Annexation;

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance and the Hayes Property Owners Nullification Agreement to be entered hereunder are intended to, and shall be deemed to, result in only the release of the executory covenants and obligations of the Hayes Property Owners and their successors and assigns to or in favor of the City of Charles Town under the Conditions of Annexation, and this Ordinance is not intended to and shall not be deemed to, and the Hayes Property Owners Nullification Agreement shall not purport to or be interpreted to, release or otherwise affect any right that West Virginia University Hospitals – East may assert or claim; and

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance and any Third Party Nullification Agreement to be entered hereunder are intended

to, and shall be deemed to, result in only the release of the executory covenants and obligations of the subject third parties and their successors and assigns to or in favor of the City of Charles Town under the Conditions of Annexation, and this Ordinance is not intended to and shall not be deemed to, and no Third Party Nullification Agreement shall purport to or be interpreted to, release or otherwise affect any right that West Virginia University Hospitals – East may assert or claim.

This Ordinance shall take effect upon enactment.

First Reading: _____, 20___

Public Hearing: _____, 20___

Passed on Second Reading: _____, 20___

Enacted this _____ day of _____, 20___

CITY OF CHARLES TOWN

_____
Robert M. Trainor
Mayor

Attest:

_____
John C. Barkley
City Clerk

EXHIBIT A
NULLIFICATION AGREEMENT

NULLIFICATION AGREEMENT

This **NULLIFICATION AGREEMENT** (this "Agreement"), dated the ___th day of _____, 20__, is entered into by and between the CITY OF CHARLES TOWN, a West Virginia municipal corporation, party of the first part (the "City"), and ROSCOE A. HAYES, ALICE M. SPICKLER AND DONALD L. SPICKLER, CO-TRUSTEES OF THE ALICE M. SPICKLER LIVING TRUST, AND JOSEPH R. GALLO, parties of the second part. The party of the first part and the parties of the second part are sometimes referred to herein collectively as the "Parties," or individually as a "Party."

RECITALS

WHEREAS, in 2006, the City annexed within its corporate limits four (4) parcels of land (the "Annexed Property") including two parcels then owned by Rolfe G. Hayes ("Hayes") containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, and a parcel then owned by Ahmad H. Abdul-Baki ("Abdul-Baki") containing 4.6209 acres, more or less;

WHEREAS, pursuant to a Resolution duly adopted by the City's Common Council, the City accepted and approved said annexation and thereby agreed with Hayes and Abdul-Baki to the provisions of those certain Conditions of Annexation thereafter executed by Hayes, Abdul-Baki, and the then Mayor of the City, and dated the 30th day of January (the "Conditions of Annexation");

WHEREAS, the Conditions of Annexation contemplated a specific development project and required that the final development design of the development project be in general conformance with an Annexation Concept Plan attached to the Conditions of Annexation;

WHEREAS, subsequent to execution of the Conditions of Annexation, the intended purchaser and developer of the parcels owned by Hayes and Abdul-Baki withdrew from the contemplated transaction and development;

WHEREAS, in 2012, Abdul-Baki conveyed to Richard Smith and Erin Smith his parcel of 4.6209 acres, more or less;

WHEREAS, Richard Smith and Erin Smith continue to hold said parcel of 4.6209 acres, more or less;

WHEREAS, Hayes died in 2014 and his parcels containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, came to be held by Roscoe A. Hayes, Alice M. Spickler and Donald L. Spickler, Co-Trustees of the Alice M. Spickler Living Trust, and Joseph R. Gallo (collectively, the "Hayes Property Owners");

WHEREAS, in 2020, the Hayes Property Owners subdivided the parcel of 198.1519 acres, more or

less, and conveyed therefrom a parcel of 27.8213 acres, more or less, to Brad Bishop;

WHEREAS, Brad Bishop continues to hold said parcel of 27.8213 acres, more or less;

WHEREAS, the Hayes Property Owners continue to hold the parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less;

WHEREAS, various provisions of the Conditions of Annexation currently remain unperformed and executory on the part of each of the Parties, the Parties accordingly agree that the Conditions of Annexation are unenforceable by either Party, and the Hayes Property Owners dispute the enforceability of the Conditions of Annexation in any event; and

WHEREAS, the Parties mutually desire to rescind, cancel, and nullify the Conditions of Annexation as between the Parties and that the Parties mutually release the other from any and all executory covenants and obligations under the Conditions of Annexation, except as expressly provided otherwise herein;

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

SECTION 1 -- NULLIFICATION

The Conditions of Annexation shall be, and hereby are, fully and completely rescinded, canceled, and nullified as between the Parties.

(a) Notwithstanding the foregoing Section 1, Paragraph V of the Conditions of Annexation, which pertains to water and sewer service to the subject property, shall remain in full force and effect such that the Hayes Property Owners' parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less, shall be served by the Charles Town Utility Board and otherwise in accordance with said Paragraph V.

SECTION 2 -- MUTUAL RELEASE

Each of the Parties shall, and hereby does, for and on behalf of itself and its heirs, personal representatives, attorneys, successors, and assigns, fully, finally, and completely release, remise, acquit, and forever discharge the other Party, and all their respective trustees, officers, managers, employees, agents, representatives, insurers, heirs, devisees, personal representatives, successors, and assigns, if any, of and from any and all executory obligations, covenants, and duties under the provisions of the Conditions of Annexation.

(a) Notwithstanding the foregoing Section 2, the obligations of the Hayes Property Owners under Paragraph V of the Conditions of Annexation shall remain in full force and effect.

SECTION 3 -- LIMITED EFFECT OF AGREEMENT

This Agreement is not intended to, does not, and shall not be deemed or interpreted to:

(a) De-annex or otherwise affect the annexation of the Annexed Property, which Annexed Property shall remain annexed within the corporate limits of the City of Charles Town;

(b) Undo, reverse, change, or affect the current zoning of the Annexed Property as reflected on the Charles Town Zoning Map;

(i) Notwithstanding the foregoing Subsection 3(b), the Parties agree that the Hayes Property Owners shall, by petition, pursuant to the process and subject to all required actions provided in Section 1321.12 of the Charles Town Zoning Ordinance, seek a change in the zoning classification of the parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less, now owned by the Hayes Property Owners from the Neighborhood Residential and General Commercial zoning districts to the Urban Reserve zoning district, in recognition that such land would be placed in the Urban Reserve zoning district upon annexation under the current Charles Town Zoning Ordinance;

(c) Undo, cancel, reverse, or otherwise make or render ineffective any other act heretofore performed by any Party pursuant to the Conditions of Annexation; or

(d) Release any executory covenants or obligations of the parties of the second part or their successors and assigns to any third party under the Conditions of Annexation that may subsequently be determined to be legally enforceable, if any, or release or otherwise affect rights of any such third party under the Conditions of Annexation that may subsequently be determined to be legally enforceable, if any, it being understood that this Agreement results in only the City's release of the executory covenants and obligations of the parties of the second part and their successors and assigns to or in favor of the City under the Conditions of Annexation.

SECTION 4 -- ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties hereto in respect to the subject matter contained herein. There are no restrictions, promises, representations, warranties, covenants, or undertakings, other than those expressly set forth or referred to herein. This Agreement supersedes all prior agreements and understandings between the Parties with

respect to such subject matter.

SECTION 5 -- AMENDMENT

To the fullest extent provided by applicable Law, this Agreement may only be amended, modified, and supplemented by mutual consent of the Parties hereto with respect to any of the terms contained herein, in such manner as may be agreed upon in writing by such Parties.

SECTION 6 -- SEVERABILITY

If any provision of this Agreement is terminated or held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Agreement will remain in full force and effect.

SECTION 7 -- SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding on the Parties and their respective heirs, executors, administrators, successors, and assigns.

SECTION 8 -- COUNTERPARTS & FACSIMILES

This Agreement may be executed by the Parties hereto in any number of separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts together shall constitute but one and the same instrument. Signed counterparts of this Agreement may be delivered by facsimile or electronically transmitted image, and such facsimile or electronically transmitted image counterparts and signatures shall be deemed to be, and fully effective and enforceable as, originals for all purposes.

SECTION 9 -- CHOICE OF LAW

This Agreement shall be governed by and construed in accordance with the internal laws of the State of West Virginia, without giving effect to any choice or conflict of law provision or rule that would cause the application of laws of any jurisdiction other than those of the State of West Virginia.

[remainder of page intentionally blank – signature page follows]

IN WITNESS WHEREOF, the Parties hereto have executed this Nullification Agreement, intending it effective the day and year first above written.

CITY OF CHARLES TOWN

_____
Robert M. Trainor
Mayor

Attest:

_____
John C. Barkley
City Clerk

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by Robert M. Trainor, in his capacity as Mayor of the City of Charles Town, a West Virginia municipal corporation.

(AFFIX NOTARIAL SEAL)

_____
NOTARY PUBLIC

My commission expires: _____.

_____
ROSCOE A. HAYES

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by Roscoe A. Hayes.

(AFFIX NOTARIAL SEAL)

_____
NOTARY PUBLIC

My commission expires: _____.

_____
ALICE M. SPICKLER, Co-Trustee

_____
DONALD L. SPICKLER, Co-Trustee

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by Alice M. Spickler and Donald L. Spickler, Co-Trustees of the Alice M. Spickler Living Trust.

(AFFIX NOTARIAL SEAL)

_____
NOTARY PUBLIC

My commission expires: _____.

_____
JOSEPH R. GALLO

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

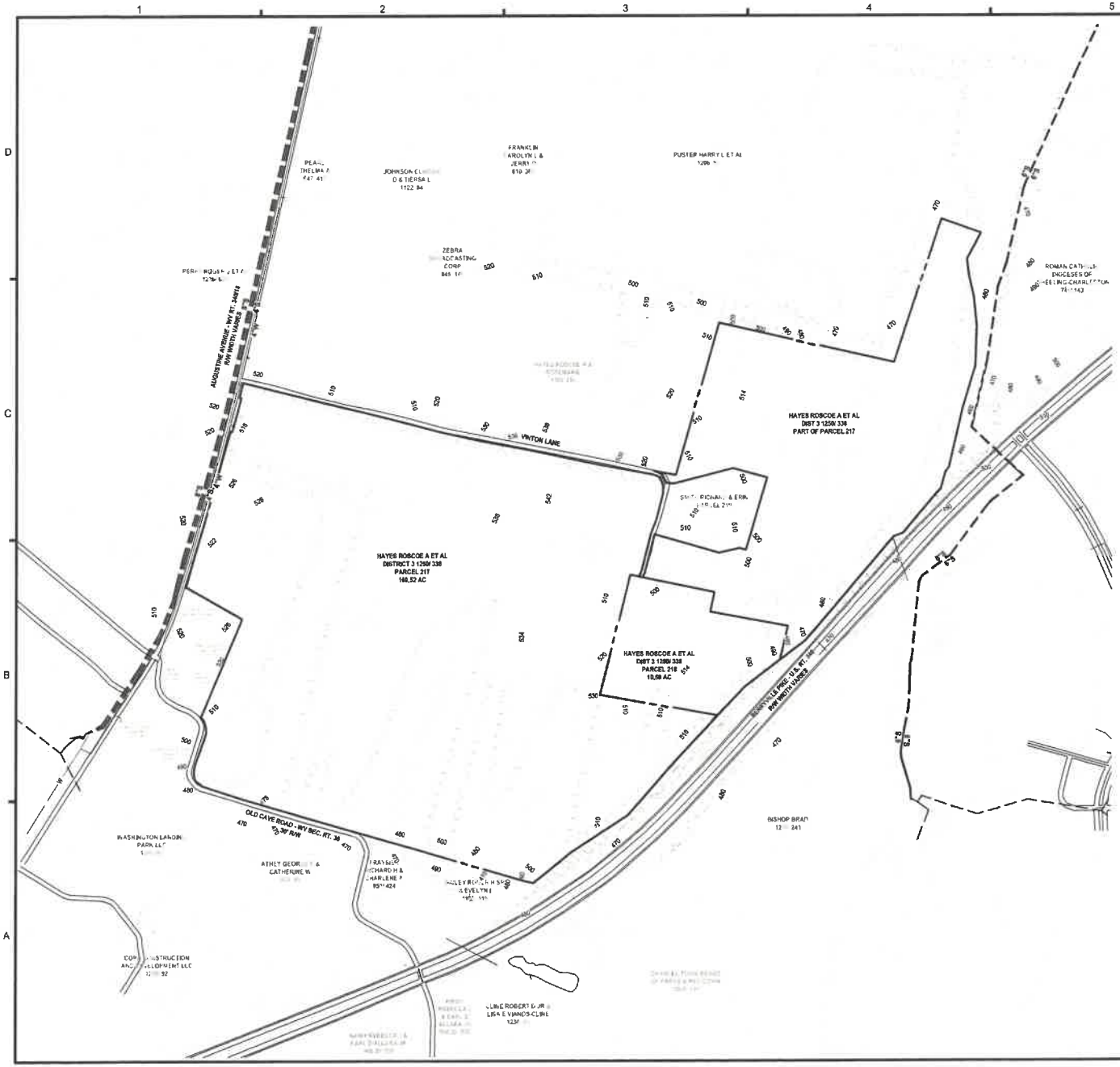
The foregoing instrument was acknowledged before me this _____ day of , 20___, by Joseph R. Gallo.

(AFFIX NOTARIAL SEAL)

_____
NOTARY PUBLIC

My commission expires: _____.

This document was prepared by Michael J. Funk, Esq., Steptoe & Johnson PLLC, 1250 Edwin Miller Blvd., Martinsburg, WV, 25404.



SOURCES OF DATA:
https://www.mapwv.gov/assessment/
https://wvgis.wvu.edu/data/data.php
https://services.wvgis.wvu.edu/arcgis/rest/services/Elevation
http://services.wvgis.wvu.edu/arcgis/rest/services/Utilities_Communication/

NO FIELD VISITS OR SURVEY HAVE BEEN COMPLETED.

No.	DESCRIPTION	DATE

IMEG
4601 Forbes Boulevard, Suite 140
Lanham, MD 20706 P 240.296.1574
engineering • surveying • land planning

VINTON FARM EXISTING CONDITIONS BASE SHEET
DISTRICT 3 LIBER 1250 FOLIO 338
PARCEL 217 & 218
CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

MARK	DATE	DESCRIPTION

PROJECT No.: 23011.001.00
DRAWING No.: 112429
DATE: 10/02/2024
SCALE: AS SHOWN
DESIGN: MP
DRAWN: AF
CHECKED: BK

SHEET TITLE
EXISTING CONDITIONS PLAN

SHEET No.
C101



IMEG

Concept Plan

Vinton Hayes

Charles Town, West Virginia

150 75 0 150 250

SCALE: 1" = 150'-0"

Date: 10-17-2024

Project #: 23006358.00

Drawn/Checked: CM/MP

Notes:
1. This conceptual rendering is for illustrative purposes only.
2. Proposed structure dimensions, orientation, and location were determined by others.
3. Imagery obtained from Google Maps.

1

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1133: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 1 Administrative Code, Chapter 5 Administrative, Article 148 Schedule of Appeal Fees and Other Charges, Section 148.06 Planning and Zoning Services

Proposed Motion: Move to approve the First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 1 Administrative Code, Chapter 5 Administrative, Article 148 Schedule of Appeal Fees and Other Charges, Section 148.06 Planning and Zoning Services

ATTACHMENTS:

- 1. Report.pdf

Planning and Zoning Fees Update

Date: For the December 2, 2024 City Council meeting
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.

ISSUE

There are a variety of applications which do not have an established fee. The purpose of this amendment to City Code is to update the City's Planning and Zoning fees.

The fees that are charged for Planning and Zoning related applications are governed by City Code Article 148 Section 6.

PLANNING COMMISSION

The Planning Commission reviewed this item at a work session on May 28, 2024. As the amendment is not to the Zoning or Subdivision Ordinance, no Planning Commission hearing is required. The Commission reviewed the changes and was in favor.

EXISTING TEXT – Last updated 2012

48.06 PLANNING AND ZONING SERVICES.

The following rates and charges shall be applied for Planning and Zoning review services:

(a) Zoning Permit Application Fee - $20.

(b) Rezoning Request Filing Fee - $400.

(c) Grading/Land Disturbance Permit - $200 application fee plus the actual costs incurred based on the engineering review fee schedule to review provided documents and perform site inspection of completed work.

(d) Site Plan for Building Additions Application Fee:

< 2500 SF and when < 50% increase in impervious area	$100
> 2500 SF or when > 50% increase in impervious area	$200

(e) Site Plan for New Building Application Fee:

(1) Single principal structure on a single site - $200 filing fee plus $500 escrow.
(2) < 3 Residential Single-Family Buildings - $200 filing fee plus $500 escrow.
(3) > 3 Residential Single-Family Buildings - $200 filing fee plus $50 per building, minimum of $2000 escrow.
(4) < 3 Residential Two Family Buildings - $200 filing fee plus $500 escrow.
(5) > 3 Residential Two-Family Buildings - $200 filing fee plus $50 per dwelling unit, minimum of $2000 escrow.
(6) < 3 Residential Multi-Family Buildings - $200 filing fee plus $500 escrow.

(7) > 3 Residential Multi-Family Buildings - $200 filing fee plus $50 per dwelling unit, minimum of $2000 escrow.
(8) < 3 Residential Townhouse Buildings - $200 filing fee plus $500 escrow.
(9) > 3 Residential Townhouse Buildings - $200 filing fee plus $50 per dwelling unit, minimum of $2000 escrow.
(10) Manufactured (Mobile) Home Park - $200 filing fee plus $50 per dwelling unit, minimum of $2000 escrow.
(11) Commercial and Industrial Buildings - $200 filing fee plus $2000 escrow.

(f) Legal review fees for zoning and site plan reviews will be billed at the following hourly rate:
(1) General Representation $130.00

(g) Water and Sewer review fees for zoning and site plan reviews will be billed based on actual payroll records and outside engineering invoices.

(h) Engineering review fees for zoning and site plan reviews will be billed at the following hourly rates:

(1) Senior Civil Engineers	$100.00
(2) Project Engineers	$95.00
(3) Staff Engineers	$80.00
(4) Technicians/Inspectors	$60.00
(5) Senior Traffic Engineers	$100.00
(6) Senior Structural Engineers	$100.00
(7) Senior Planners	$100.00
(8) Landscape Architects	$100.00
(9) Senior Environmental Specialists	$90.00
(10) Environmental Specialists	$60.00
(11) Survey Managers	$85.00
(12) Survey Party Chiefs	$60.00
(13) Survey Instrument Persons	$50.00
(14) Administrative Support Persons	$40.00

(i) Schematic/Preliminary Plan Review - $200 application fee plus the actual costs incurred based on the engineering review fee schedule to review provided documents.

(j) Sign Permit Fee - $25.

(k) Record Plat Review Fees:
(1) With no bonding required - $200 per plat.
(2) With independent estimate of required bonding - $1500 for initial review, any subsequent reviews will be based on engineering review fee schedule.
(3) Without independent estimate of required bonding - $6000 for initial review, any subsequent reviews will be based on engineering review fee schedule.

(l) Bond Reduction Request - Fee will be actual costs incurred based on the engineering review fee schedule to perform site inspection of completed work and review provided documentation.

(m) Bond Release Request - Fee will be actual costs incurred based on the engineering review fee schedule to perform final site inspection of completed work and review provided documentation.

(n) Application for Annexation - $1,000.00 flat fee.

PROPOSED TEXT – Changes to existing text are in red:

PART ONE - CHAPTER 5

148.06 PLANNING AND ZONING SERVICES.

The following rates and charges shall be applied for Planning and Zoning review services:

(a) Zoning Permit Application Fee - $~~20~~ 25

(b) Certificate of Appropriateness - $25

(c) Rezoning Request Filing Fee - $~~400~~ 700

(a) Grading/Land Disturbance Permit - $200 application fee plus the actual costs incurred based on the engineering review fee schedule to review provided documents and perform site inspection of completed work. Minimum of $300 escrow required.

(d) Site Plan for Building Additions Application Fee:

< 2500 SF and when < 50% increase in impervious area	$~~100~~ 200
> 2500 SF or when > 50% increase in impervious area	$~~200~~ 300

(e) Minor Subdivision/Land Development

(1) Boundary Line Adjustment/Property Merger/Property Division - $100 filing fee

(2) Residential construction building plan review - $200 filing fee

(3) Testamentary Transfer, Judicial Partition, Re-Surveys, Utility Lot creation - $75 filing fee

(e f) ~~Site~~ Major Subdivision/Land Development Sketch Plan ~~for New Building~~ Application Fee:

(1) Single principal structure on a single site - $200 filing fee ~~plus $500 escrow.~~

(2) < 3 Residential ~~Single-Family~~ Buildings - $200 filing fee ~~plus $500 escrow.~~

(3) ~~>~~ 3 or more Residential ~~Single-Family~~ Buildings - $~~2~~500 filing fee plus $50 per building, minimum of $2000 escrow.

~~(4) < 3 Residential Two-Family Buildings - $200 filing fee plus $500 escrow.~~

~~(5) > 3 or more Residential Two-Family Buildings - $200 filing fee plus $50 per dwelling unit, minimum of $2000 escrow.~~

~~(6) < 3 Residential Multi-Family Buildings - $200 filing fee plus $500 escrow.~~

~~(7) > 3 Residential Multi-Family Buildings - $200 filing fee plus $50 per dwelling unit, minimum of $2000 escrow.~~

~~(8) < 3 Residential Townhouse Buildings - $200 filing fee plus $500 escrow.~~

~~(9 8) > 3 or more Residential Townhouse Buildings - $200 filing fee plus $50 per dwelling unit, minimum of $2000 escrow.~~

(~~10~~ 9) Manufactured (Mobile) Home Park - $~~25~~00 filing fee plus $50 per dwelling unit, minimum of $2000 escrow.

(~~11~~10) Commercial and Industrial Buildings - $~~27~~00 filing fee plus $2000 escrow.

(~~12~~ 11) Subdivision only – $200 filing fee

(~~f~~ g) Legal review fees for zoning and site plan reviews will be will be actual costs incurred based on the legal review. ~~billed at the following hourly rate:~~

~~(1) General Representation $130.00~~

(~~g~~ h) Water and Sewer review fees for zoning and site plan reviews will ~~be billed based on actual payroll records and outside engineering invoices.~~ be actual costs incurred based on the engineering review

(~~h~~ i) Third-party review fees for zoning and site plan reviews will be actual costs incurred based on the review ~~billed at the following hourly rates~~:

~~(1) Senior Civil Engineers~~	~~$100.00~~
~~(2) Project Engineers~~	~~$95.00~~
~~(3) Staff Engineers~~	~~$80.00~~
~~(4) Technicians/Inspectors~~	~~$60.00~~
~~(5) Senior Traffic Engineers~~	~~$100.00~~
~~(6) Senior Structural Engineers~~	~~$100.00~~
~~(7) Senior Planners~~	~~$100.00~~
~~(8) Landscape Architects~~	~~$100.00~~
~~(9) Senior Environmental Specialists~~	~~$90.00~~
~~(10) Environmental Specialists~~	~~$60.00~~
~~(11) Survey Managers~~	~~$85.00~~
~~(12) Survey Party Chiefs~~	~~$60.00~~
~~(13) Survey Instrument Persons~~	~~$50.00~~
~~(14) Administrative Support Persons~~	~~$40.00~~

(~~i~~ j) Schematic/Preliminary Plan Review - $~~200~~ 300 application fee plus the actual costs incurred based on the engineering review fee schedule to review provided documents.

(~~j~~ k) Sign Permit Fee - $~~25~~ 50.

(~~k~~ l) Record Plat Review Fees:

(1) With no bonding required - $200 per plat.

(2) With independent estimate of required bonding - $1500 for initial review, any subsequent reviews will be based on engineering review fee schedule.

(3) Without independent estimate of required bonding - $6000 for initial review, any subsequent reviews will be based on engineering review fee schedule.

(m) Bond Initiation Request - Fee will be actual costs incurred based on the engineering review

(~~l~~ n) Bond Reduction Request - Fee will be actual costs incurred based on the engineering review costs performed by the City's third-party engineering firm. ~~fee schedule to perform site inspection of completed work and review provided documentation.~~

(~~m~~ o) Bond Release Request - Fee will be actual costs incurred based on the engineering review fee schedule to perform final site inspection of completed work and review provided documentation.

(~~n~~ p) Application for Annexation - $1,000.00 flat fee.

(q) Board of Zoning Appeals
(1) Variance: $300 filing fee
(2) Special Exception/Use permit: $300 filing fee
(3) Appeal: $500 filing fee

(r) Planning Commission Waiver - $200 filing fee

(s) Zoning Verification Letter - $50 per parcel

(t) Text Amendment - $400 filing fee

(u) Legal Notice
(1). In addition to any other fees, an additional fee will be required of all applications requiring public notice in a newspaper:
A. Class I/I-0 Legal Advertisement- - $25 flat fee
B. Class II/II-0 Legal Advertisement - $50 flat fee
C. Class III/III-0 Legal Advertisement - $75 flat fee

(2). In addition to any other fees, an additional fee will be required of all applications requiring mailed notice:
A. First class mail - $25 flat fee
B. Certified mail - $75 flat fee

(3). In addition to any other fees, an additional fee will be required of all applications requiring posted notice:
A. Public notice signage - $10 flat fee

(4). For any postponement of an item at the applicant's request which results in additional legal notice being required, the cost of the legal notice shall be borne by the applicant subject to the costs listed in u.1;u.2; and u.3 above.

CLEAN VERSION OF PROPOSED CHANGES

PART ONE - CHAPTER 5
148.06 PLANNING AND ZONING SERVICES.
The following rates and charges shall be applied for Planning and Zoning review services:

(b) Zoning Permit Application Fee - $25

(c) Certificate of Appropriateness - $25

(d) Rezoning Request Filing Fee - $700

(e) Grading/Land Disturbance Permit - $200 application fee plus the actual costs incurred based on the engineering review fee schedule to review provided documents and perform site inspection of completed work. Minimum of $300 escrow required.

(d) Site Plan for Building Additions Application Fee:

< 2500 SF and when < 50% increase in impervious area	$200
> 2500 SF or when > 50% increase in impervious area	$ 300

(e) Minor Subdivision/Land Development

(4) Boundary Line Adjustment/Property Merger/Property Division - $50 filing fee
(5) Residential construction building plan review - $200 filing fee
(6) Testamentary Transfer, Judicial Partition, Re-Surveys, Utility Lot creation - $50 filing fee

(f) Major Subdivision/Land Development Sketch Plan Application Fee:

(1) Single principal structure on a single site - $200 filing fee
(2) < 3 Residential Buildings - $200 filing fee
(3) 3 or more Residential Buildings - $500 filing fee plus $50 per building, minimum of $2000 escrow.
(4) Manufactured (Mobile) Home Park - $500 filing fee plus $50 per dwelling unit, minimum of $2000 escrow.
(5) Commercial and Industrial Buildings - $700 filing fee plus $2000 escrow.
(6) Subdivision only – $200 filing fee

(g) Legal review fees for zoning and site plan reviews will be will be actual costs incurred based on the legal review.

(h) Water and Sewer review fees for zoning and site plan reviews will actual costs incurred based on the review.

(i) Third-party review fees for zoning and site plan reviews will be actual costs incurred based on the review.

(j) Schematic/Preliminary Plan Review - $300 application fee plus the actual costs incurred based on the engineering review fee schedule to review provided documents.

(k) Sign Permit Fee - ~~$25~~ 50.

(l) Record Plat Review Fees:

(1) With no bonding required - $200 per plat.
(2) With independent estimate of required bonding - $1500 for initial review, any subsequent reviews will be based on engineering review fee schedule.
(3) Without independent estimate of required bonding - $6000 for initial review, any subsequent reviews will be based on engineering review fee schedule.

(m) Bond Initiation Request - Fee will be actual costs incurred based on the engineering review

(n) Bond Reduction Request - Fee will be actual costs incurred based on the engineering review costs performed by the City's third-party engineering firm.

(o) Bond Release Request - Fee will be actual costs incurred based on the engineering review fee schedule to perform final site inspection of completed work and review provided documentation.

(p) Application for Annexation - $1,000.00 flat fee.

(q) Board of Zoning Appeals
(1) Variance: $300 filing fee
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(r) Planning Commission Waiver - $200 filing fee

(s) Zoning Verification Letter - $50 per parcel

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C. Class III/III-0 Legal Advertisement - $75 flat fee

(2). In addition to any other fees, an additional fee will be required of all applications requiring mailed notice:

A. First class mail - $25 flat fee
B. Certified mail - $75 flat fee

(3). In addition to any other fees, an additional fee will be required of all applications requiring posted notice:

A. Public notice signage - $10 flat fee

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1155: Options for Creative Street Dining Discussion

ATTACHMENTS:

- The Parklet Pandemonium - Morgantown magazine.pdf
- New outdoor dining area coming to downtown Morgantown - Dominion Post.pdf

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SEPTEMBER 10, 2020 · 1 COMMENT

The Parklet Pandemonium

COVID-19 · MORGANTOWN LOWDOWN · NEWS + ISSUES · OUTDOORS · PEOPLE + PLACES · WEB EXCLUSIVES

Morgantown magazine's publisher gives a behind-the-scenes update.



This is the second part of a multi-part series examining the need to increase outdoor space for businesses.

Part one: *Thanks, But No Thanks*
Part three: Almost Heaven

In May, as summer approached and the stranglehold COVID-19 had on our restaurants worsened, my husband, Michael Mills of Mills Group, and I spearheaded the effort that resulted in Morgantown's first outdoor dining parklet. We are just two civic-minded people who work every day to make our town and our city a better place. It's our personal and our professional mission. Other than that, we had no skin in the game. We don't own any restaurants, and there was no monetary benefit for us. In fact, it cost us money. I donated the printing of 500 keepsake menus, and Michael bought the building supplies and personally built the structure.

I say that not for praise. I'm not looking for a pat on the back. What I was looking for was to ignite community change in a time when our community needed it most.



Group created a master plan pro bono for outside dining parklets that followed the state's mandated restaurant seating guidelines. It isn't as simple as one would think. Sidewalks must have a four-foot clearance for wheelchair accessibility, you have sloping roads to contend with, fire hydrants to avoid, etc.

Ideas were bounced around. Closing High Street altogether was a possibility, but rerouting traffic and the effect on retail establishments made it a cumbersome option. Going down to one lane was another, but then orange cones and signage would clutter the street. In the end, we opted for transforming two parking spaces in front of Tin 202 into an outdoor dining area. It seemed to be the least intrusive and most attractive solution. Everyone was on board.

Using our social media following, *Morgantown* magazine promoted the idea, generating and gauging interest. Community change happens when people come together to find a solution to a problem and then create an action plan to make it happen. The challenge is getting decision makers to work together towards YES instead of dwelling on the NOs or challenges. And that's what we did.

DOH required that barrier walls be built to separate the parklet from High Street traffic. In my opinion, the bright orange plastic Jersey barriers that are filled with water are ugly and visually distract from an inviting streetscape. So Michael approached Central Supply Company, which agreed to donate attractive stone-like concrete walls to serve as a protective barrier for the pilot location on High Street.

We put a call out to the community to help erect it. Local contractor and Board of Education member Ron Lytle, Glenmark Chief Contracting Officer Mike Saab, attorney Bader Giggenbach, contractor Jeremy Carpenter, and my son, Ethan, showed up to help Michael, and within three hours the parklet was finished.

It only took two weeks from the day we started to get a parklet up and running.

We held a two-day fundraiser at Tin 202 to raise money for more locations. To enclose two parking spaces, the cost is about $10,000. The community showed its support and came out in droves, and we raised nearly $2,000. Chris Evans, one of the owners of Tin 202, said that the restaurant had its best June ever. "It was a game changer," he said.



and allocated funds to help cover the fabrication of two future parklets. The city agreed to shut down the alley beside Iron Horse for seating, making it a simpler, cheaper, and quicker option to expand its seating. Michael drew up a plan for that, and the city approved it. But instead, Iron Horse opted to only add two tables to the sidewalk in front of the restaurant. The plans for the alley parklet were never implemented. The focus then turned to Gibbie's Pub and Eatery.

That was June.

Last month, DOH made us remove the concrete end cap of the parklet enclosure at Tin 202 and replace it with a crash-rated barrier. The reason? They said it needed to have a forgiving corner so it didn't damage a car or a driver if someone plowed into the parklet. The city defended the existing stone-like barriers, arguing that High Street is a low-speed street—that cars typically don't go above the speed limit and, given the low speed, there would be little difference between a parked car and the wall. We were looking for a common sense approach. But DOH refused to allow the wall to stay as it was. When asked for their standards and suggestions to meet their criteria, they didn't offer a plan. They still haven't given us what the specific standards are, despite repeated requests.

It is now September—still no more parklets.

Last week the governor gave the city the option to shut High Street down to vehicular traffic. Just like that. Snap your fingers and shut it down. Without a solid plan and on such short notice, the city, respectfully and rightly, declined. But it does beg the question: Why has it been so hard to get parklets up and running?



To find out, I called the city and asked where we were in the process. I was told that the city presented DOH with a plan for Gibbie's and Almost Heaven Bar & Grill, but it was pending approval from DOH. I called DOH and as of Thursday at 2 p.m. I'm waiting on confirmation.

Parklets are a way to prioritize people over cars. They are a great way to increase public green space in our urban environments. But a master plan needs to be created—from design to implementation to upkeep. Who pays for them? Who builds them? Who maintains them? Who is responsible for landscaping?

If you are a downtown restaurant, a person who likes to eat downtown, or if you just care about the soul of our community, your voice matters—but you have to speak up to be heard. You have to show up when asked. So we are asking you to help.

1. Ask City Council to step up and quickly execute the plan for more parklets and to oversee the creation of a beautiful streetscape that is inviting to pedestrians. They need to allocate money to the building of these DOH-approved barriers and create a plan for construction, maintenance, and landscaping. With winter coming, we are losing our opportunity, and many businesses may not survive. Zack Cruze, Mayor Ron Dulaney, Rachel Fetty, Dave Harshbarger, Bill Kawecki, Jenny Selin, Barry Lee Wendell.

2. Contact Governor Jim Justice's office at 304.558.2000.

3. Contact DOH and ask that they come up with clear, common sense guidelines that help make the creation of parklets feasible. E-mail DOT.Secretary@wv.gov.

5. Reach out to your Monongalia County Commissioners Tom Bloom, Ed Hawkins, and Sean Sikora at 304.291.7257.

6. Then you have to go downtown and support our restaurants. Park in MPA-operated parking lots so they recoup their lost revenue. If you want to live in a vibrant community, you have to be vested in creating that—and that goes far beyond lip service.

Part one: *Thanks, But No Thanks*
Part three: Almost Heaven

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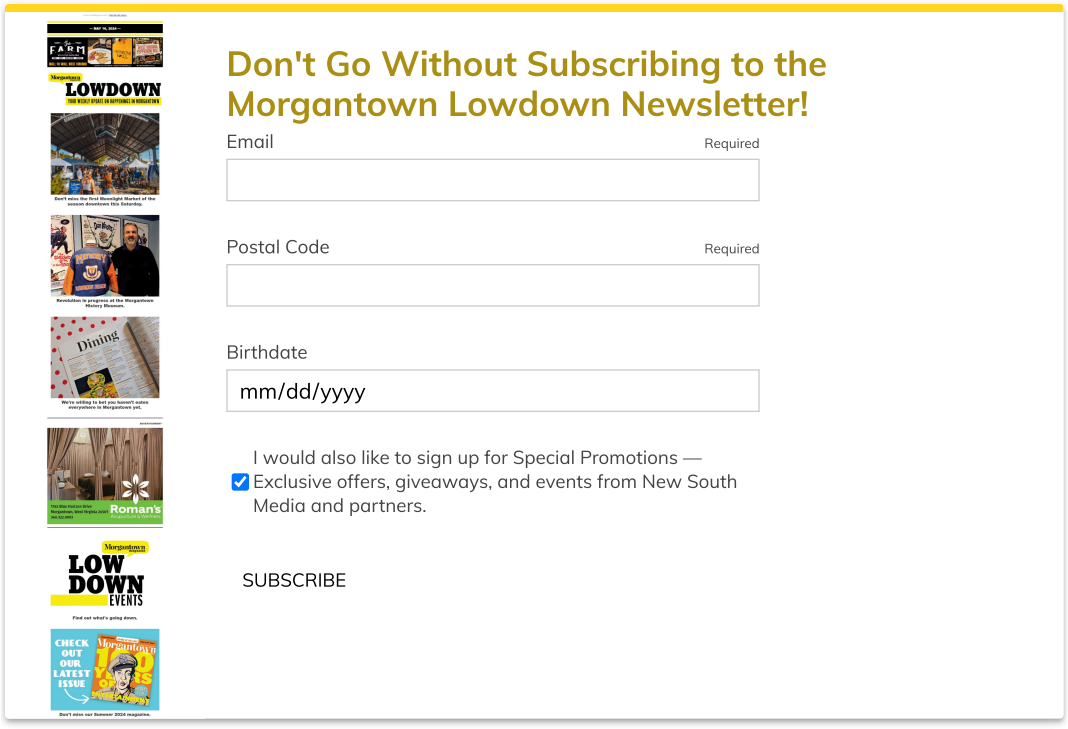

« The New Spin on Cycling
Voters Gonna Vote »



Thank You Michael. Small businesses enrich our lives with passionate creativity. Anything that can be done to make downtown more friendly and comfortable to WV residents and guests is bound to be helpful to our beloved businesses. Thank you for initiating positive change when it is needed most.

Reply

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POST COMMENT

ABOUT AUTHOR

NIKKI BOWMAN MILLS

Media, which publishes the critically acclaimed WV Living, WV Weddings, Explore, and Morgantown magazines. In January 2015, her company also took over the editorial and design of Wonderful West Virginia magazine. She graduated from West Virginia University and received her master's degree in Writing from DePaul University in Chicago.

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MY ACCOUNT



New planters were built in front of Gibbies downtown Morgantown on Hight street. In photo left to right ia Marchetta Maulpin Urban Landscap, Hannah McDonald, and Damien Davis, Director of Urban Public Works.

BUSINESS, COMMUNITY, LATEST NEWS

New outdoor dining area coming to downtown Morgantown

November 3, 2021 5:45 pm by William Dean, The Dominion Post

It may not be exactly be drinks on the deck, but soon patrons of Gibbie's Pub & Eatery on High Street will be able to enjoy their food and cocktails in a new outdoor seating area.

Construction on the area, called a pedlet, began Tuesday and Damien Davis, Morgantown's director of engineering and public works, said the work wrapped up Wednesday.

The pedlet, designed by Mills Group, blocks the sidewalk in front of Gibbie's for dining and includes a pedestrian pathway, which also acts as an entrance to the dining area, where metered parking was. There are planters acting as barricades on all sides.

Kristen Johnson, bartender at Gibbie's, said the project has already brought in extra business from people stopping to ask what's going on.

"I think it'll bring more people in here to see, you know, what we have to offer here at Gibbie's and also bring a lot of business downtown," Johnson said.

This project follows the success of a similar outdoor dining area built in front of Tin 202 last year, with some redesigning because of the Department of Highways' issue with diners in the former parking area, Davis said.

Davis said he's hopeful more pedlets can be built in the spring and that while the installation of this one is later than hoped because of trouble getting materials, there should still be plenty of warm days to take advantage of.

Andrew Stacy, Morgantown communications director, said, "The city staff from the Public Works and Engineering and Urban Landscape Departments worked hard to make this project a success and they did a terrific job. Supply chain issues and other factors delayed the installation of this pedlet, but hopefully we can do more next year starting in the spring. I hope the citizens of Morgantown appreciate the hard work that went into this project and treat it with the respect that it deserves."

Johnson said the outdoor dining will be ready "soon" and the restaurant will likely reconfigure the area several times to work out the best setup. There are also plans to hang up lights outside.

Davis said the pedlet looked good Tuesday — but after Director of Urban Landscapes Marchetta Maupin and her team set up the planters on Wednesday, the setting was "dynamite."

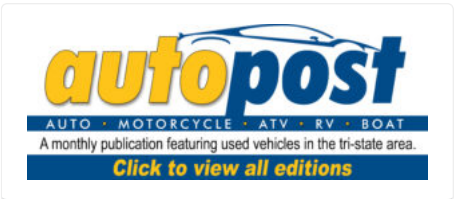
TWEET **@DominionPostWV**

Tags: business, High Street, local business, outdoor dining, restaurants



Author: William Dean, The Dominion Post

William Dean covers cops and courts for The Dominion Post. When not working, he enjoys spending time with his dog, Honey. He also enjoys showing pictures of Honey to co-workers and strangers. @WillDean_DP



City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1179: 2025 Proposed City Council Meeting Schedule

Proposed Motion: Move to approve the 2025 City Council meeting schedule.

ATTACHMENTS:
- 2025 Council Meeting Schedule.pdf

CHARLES TOWN CITY COUNCIL
2025 MEETING SCHEDULE

All regular meetings are held in the Council Chambers located at
101 E. Washington Street, Charles Town, WV 25414.
All meetings begin at 7:00 p.m.

Monday, January 6
Tuesday, January 21*
Monday, February 3
Tuesday, February 18*
Monday, March 3
Monday March 17
Monday, April 7
Tuesday, April 22**
Monday, May 5
Monday, May 19
Wednesday, May 28***
Friday, May 30***
Monday, June 2
Monday, June 16
Monday, July 7
Monday, July 21
Monday, August 4
Monday, August 18
Tuesday, September 2*
Monday, September 15
Monday, October 6
Monday, October 20
Monday, November 3
Monday, November 17
Monday, December 1
Monday, December 15

* When a regularly scheduled Monday meeting falls on a holiday or observed holiday, the meeting will be held the following day, on Tuesday, at 7:00 p.m.

**Per State Code, the City Council must lay the levy on the third Tuesday in April, Council normally elects to meet on Tuesday to conduct regular business and lay the levy at the same time.

***Special meetings to canvass and certify the municipal election results.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1180: 2025 City of Charles Town Holiday Calendar

Proposed Motion: Move to approve the 2025 holiday calendar.

ATTACHMENTS:
- 2025 City of Charles Town Holiday Schedule.pdf

2025 HOLIDAY CALENDAR – City of Charles Town

New Year's Day	**Wednesday, January 1**
Martin Luther King, Jr. Day	**Monday, January 20**
President's Day	**Monday, February 17**
City Election Day	**Thursday, May 22**
Memorial Day	**Monday, May 26**
Juneteenth	**Thursday, June 19**
West Virginia Day	**Friday, June 20**
Independence Day	**Friday, July 4**
Labor Day	**Monday, September 1**
Columbus Day/Indigenous Peoples' Day	**Monday, October 13**
Veteran's Day	**Tuesday, November 11**
Thanksgiving	**Thursday, November 27**
Lincoln's Day	**Friday, November 28**
Christmas Day	**Thursday, December 25**

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1181: Stone Spring Walking Trail Study

ATTACHMENTS:

- 2022-003 - Resolution to Repeal and Replace the Conditions of Annexation for the Fritts Property (1).pdf

City of Charles Town
101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

RESOLUTION

Resolution to Repeal and Replace the Conditions of Annexation for the Fritts Property

WHEREAS, in 2008, J. Russell Fritts, Inc. presented a petition to annex property into the City of Charles Town (City) that was subsequently referred to the Finance Committee (Committee) and the Planning Commission (Commission) for review, analysis, and recommendation; and

WHEREAS, the Committee and Commission recommended, and the Charles Town City Council (Council) approved via Resolution 2008-06 on March 17, 2008, the annexation of such land into the City with several conditions including a zoning designation of Neighborhood Residential; and

WHEREAS, the petitioners agreed that any conditions of annexation imposed by Council at that time would bind the owners of the property, their successors, and assigns; and

WHEREAS, nearly fourteen years after that initial agreement was made, the subject property remains undeveloped and the current family owners, working with a new developer, have requested that Council consider amendments to the original agreement that reflect the City's current growth plans and existing economic conditions; and

WHEREAS, Council appointed a negotiating team (Negotiating Team) on August 16, 2021, including representatives from the City's current Finance Committee, Planning Commission, and Council, to work with the current owners to determine if amendments should be recommended to the full Council for further consideration; and

WHEREAS, after several productive discussions with the current property owners and prospective developer of the Fritts Property that was annexed with conditions into the City pursuant to Resolution 2008-006 (Resolution), the Negotiating Team recommends repealing the conditions of annexation imposed by the Resolution and replacing with new terms and conditions.

NOW, THEREFORE BE IT RESOLVED Council agrees to the following new terms and conditions with respect to the development of the Fritts Property:

1. the development shall be subject to the City's current Neighborhood Residential zoning standards, except that the portion of land planned for commercial use shall be satisfied if at least five acres of land are set aside for neighborhood commercial uses; and
2. on land set aside for neighborhood commercial uses, mixed-use construction including first floor commercial and upper level residential uses shall be permitted and considered, subject to all other limitations, including height, in a Neighborhood Residential zoning district; and

3. notwithstanding any residential units contained in a mixed-use commercial structure, the total number of residential units proposed for the site may not exceed 325 units; and
4. the final concept plan approved by the Planning Commission must include a road connection to the Langlet property located to the southeast of the Fritts property; and
5. each new unit of residential development on the site, except for those contained in a mixed-use structure, shall be subject to a voluntary financial proffer of $2,448 per unit that may be used by the City to fund any of its future capital needs; and
6. the financial proffer is subject to adjustment by the City every five years, starting from the Planning Commission's approval of the final preliminary plat drawings for the initial phase. The City will provide the owner/developer with a written 60-day advanced notice of the financial proffer increase with supporting documentation to justify the fee increase. Council will consider force majeure before increasing the fee; and
7. the owner/developer will pay $50,000 to the City after the Planning Commission has conceptually approved the development's preliminary plat, which will be used to fund a feasibility study aimed at improving pedestrian connectivity for residents of the City's 4th Ward to the Downtown; and
8. parkland proposed for dedication to the City will include vehicular access and parking improvements for visitors to this City park; and
9. in addition to other parkland dedication required by the City's ordinances, the owner/developer agrees to include a neighborhood park of at least 0.5 acres near the center of the development that will include adequate playground equipment for its residents; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the Planning Commission shall review the owner/developers' preliminary plan for development dated January 6, 2022 for consistency with the Neighborhood Zoning district standards and other conditions outlined in this resolution, make adjustments with the owner/developer as agreed, and perform all other routine duties as outlined in the City's Subdivision and Land Development Ordinance related to this project; and

NOW, THEREFORE BE IT FURTHER RESOLVED, Council and the property owner agree that the terms and conditions contained in this resolution shall bind the current owner, their successor, and assigns.

Adopted the 7th day of February 2022.

Robert M. Trainor
Mayor

Daryl Hennessy
City Manager/Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1187: City Led Public Meeting on Route 51 Project Discussion

ATTACHMENTS:

- WV51_2022-07-05 City Council meeting.pdf

M.L.K. Jr Avenue and West Washington Street Intersection Improvements

CITY COUNCIL COUNCIL MEETING

JULY 05, 2022

THE CITY OF CHARLES TOWN WEST VIRGINIA

Agenda

- Title
- Agenda
- Background
- Concepts
- NEPA Process & Next Steps
- Closing/Questions

THE CITY OF
CHARLES TOWN
WEST VIRGINIA



Background

- **2021 –** West Virginia Department of Transportation responds to years of requests from City of Charles Town, and commences on study to explore corridor improvements on West End of Charles Town on Route 51 / MLK Jr. Avenue
- **April 8, 2021** – Virtual Public Meeting to present and seek input on Draft WV51 Feasibility Study
- **May 2021** – WV 51 Feasibility Study Finalized
  - Three alternatives evaluated to improve the existing intersection which has failing levels of service in the westbound direction during the PM peak period.
  - A signal warrant analysis was conducted at the intersection and the warrants were not met
  - The three alternatives included a roundabout, a new connector road and cul-de-sac, and a new connector road with one-way operations.

Alternative 1

Roundabout

- Replaces the existing all-way stop with a roundabout
- Provides traffic calming features
- Provides additional capacity and operation improvements as compared to existing conditions
- All existing routes/movements remain
- Improves corridor from West Street downtown through west edge of city with “complete street” improvements including new and expanded sidewalks, bicycle facilities, streetlighting, stormwater management infrastructure, crosswalks, and streetscaping improvements

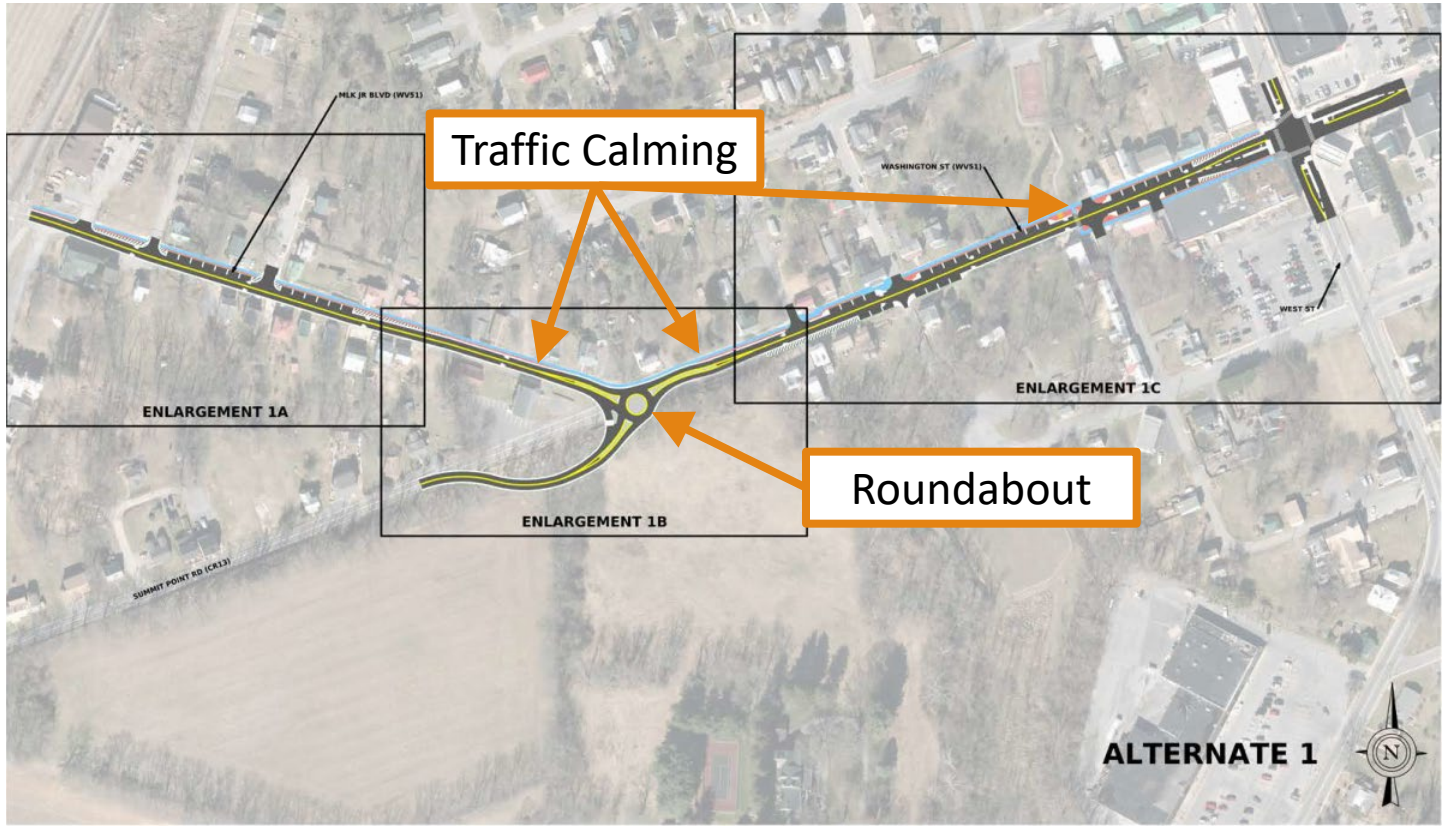


Table 6 – Alternative 1 Capacity Analysis Summary

Intersection	Approach	2039	
		AM	PM
W. Washington St. & MLK Jr. Blvd. & Summit Point Rd.	Eastbound	A/8.5	A/7.3
	Westbound	A/4.9	B/14.9
	Northbound	A/8.4	A/6.4
	Total	**A/7.5**	**B/12.0**

Alternative 2

New Connector Road with Summit Point Road Cul-de-Sac

- Eliminates the existing all-way stop intersection
- Provides continuous free flow movements on MLK Jr Boulevard
- New connector road with turn lanes and sight distance improvements
- Changes travel directions and traffic patterns by adding a cul-de-sac on Summit Point Road
- Additional right-of-way necessary for the connector road
- As in Alternative 1, makes complete street improvements to entire corridor

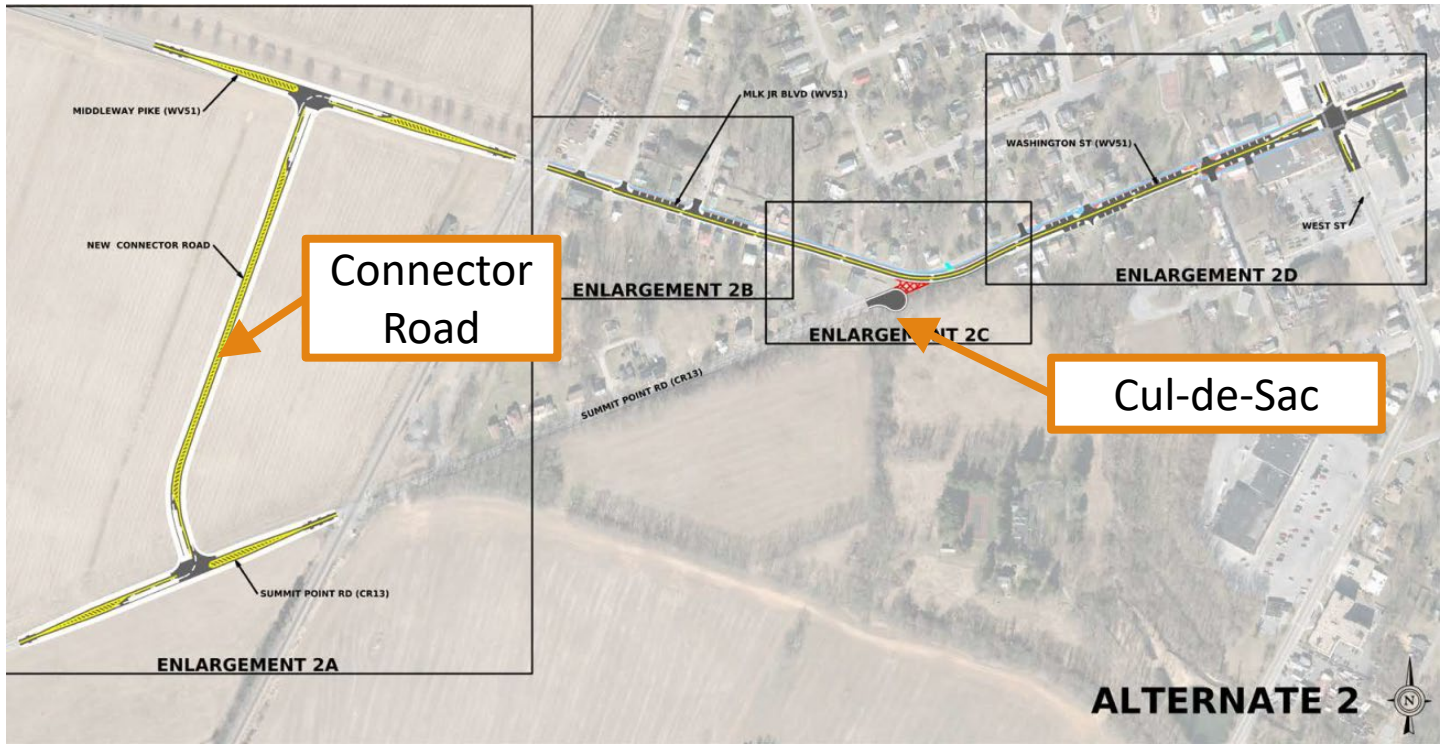


Table 7 – Alternative 2 Capacity Analysis Summary

Intersection	Approach/Movement	2039	
		AM	PM
WV-51 & New Connector Road	Eastbound	A/0.0	A/0.0
	Westbound Left	A/9.1	A/8.9
	Northbound	C/16.9	C/15.1

Alternative 3

New Connector Road with One-Way Conversion

- Eliminates the existing all-way stop intersection
- Provides continuous free flow movements on MLK Jr Blvd
- Additional room for parking, sidewalks, and dedicated bike lanes on MLK Jr Blvd
- New connector road with turn lanes and sight distance improvements
- Changes travel directions and traffic patterns with one-way operations on Summit Point Road and MLK Jr Blvd
- Additional right-of-way necessary for the connector road
- As with Alternatives 1 and 2, makes complete street improvements to entire corridor

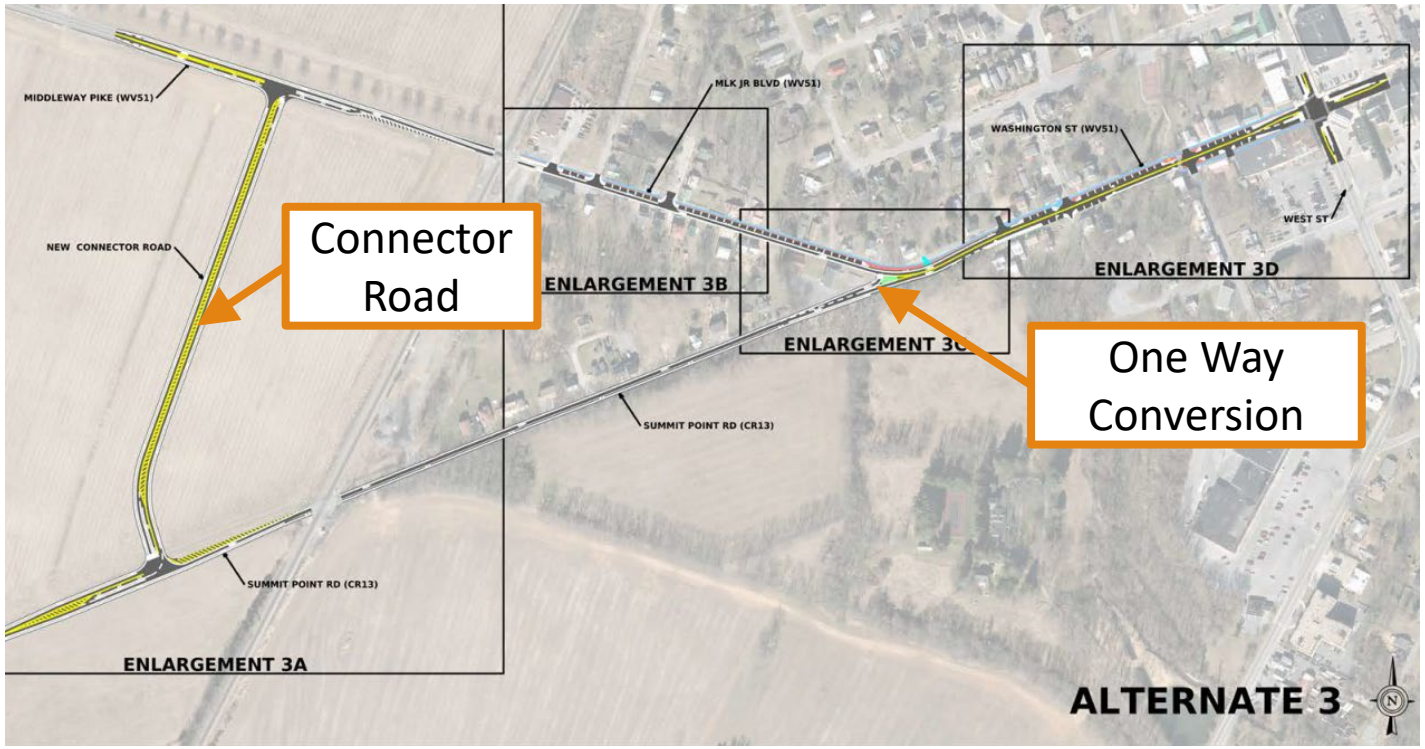


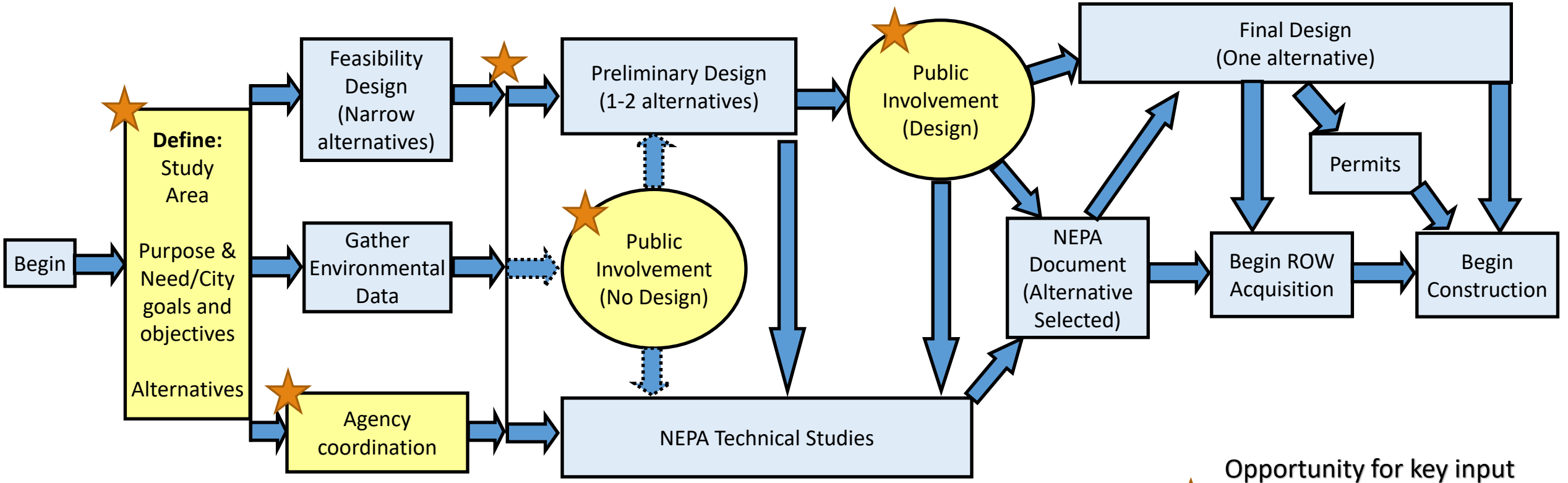
Table 8 – Alternative 3 Capacity Analysis Summary

Intersection	Approach/Movement	2039	
		AM	PM
WV-51 & New Connector Road	Eastbound	A/0.0	A/0.0
	Westbound Left	B/12.1	B/12.0
	Northbound Left	B/12.2	D/32.7

Process and Next Steps

- Project receives funding for further study and design
  - Opportunity for City Council and community input
  - Funding through state (WVDOH) or federal (FHWA) government
  - WVDOH is seeking possible grants for this project
- If federal funds allocated through WVDOH or FHWA, NEPA process begins
  - Additional analysis, agency involvement, and public engagement conducted
  - A preferred alternative would be selected following this additional work
  - Multiple steps throughout the process will include opportunities for the City and community to weigh-in on project and design

Process and Next Steps



Recommendations for City of Charles Town

- Approve and send letter to WV Department of Transportation asking for priority local projects including the Route 51/West Washington corridor upgrade to be included in the “State Transportation Improvement Program” or “STIP”, which is the state’s 5-year funding plan. Letter should be submitted by July 14.
- Hold July 2022 “town hall meeting” in Charles Town to gather additional input and build more consensus on the key issues to address and the ideal option to pursue on Route 51 improvement project.
- Develop and send letter to WV DOT outlining key issues which Charles Town seeks to be addressed in selection of preferred alternative for, and design of, Route 51 upgrade
- Engage with WV DOT to secure funding to get Route 51 project designed and shovel-ready
- City participates in project design process, including weighing in on selection of preferred alternative

Questions?

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1195: City Council Liaison's Report - Eastern Panhandle Transit Authority

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1196: City Council Liaison's Report - Hagerstown/Eastern Panhandle Metropolitan Planning Organization

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1197: City Council Liaison's Report - Jefferson County Development Authority

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1198: Department of Transportation/Department of Highways Site Visit Report

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1199: Infrastructure Retreat Discussion - Agenda Proposal and Date

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1200: Legislative Priorities Discussion

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Resolution
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1202: A Resolution to Shop Small Business December 2024

Proposed Motion: Move to approve the Resolution to Shop Small Business December 2024

ATTACHMENTS:
- Shop_Small_Bus_Resolution_Dec2024.pdf

City of Charles Town
101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

Resolution for Shop Small Business December 2024

WHEREAS, Charles Town, West Virginia celebrates its small businesses and the contribution they make to our local economy and community; and

WHEREAS, these small and primarily locally owned businesses are vital to our city's economic health and community identity; and

WHEREAS, Charles Town is proud of its national recognition as an accredited Main Street community with a focus on supporting small businesses, which constitute most businesses in our downtown and 95% of all businesses in the State of West Virginia; and

WHEREAS, the City Council has routinely waived the paid portion of the City's parking program during the month of December to support our downtown businesses, celebrate the holiday season, and encourage shoppers to visit and shop in our city; and

WHEREAS, the increase in visitors and residents to our downtown produces a positive economic impact for the City as consumer spending is historically high during this time of year and visitor and resident presence in our downtown creates sales opportunity for our businesses; and

WHEREAS, encouraging people to visit our downtown during the holiday season promotes the City to visitors and builds greater community identity for our residents.

NOW, THEREFORE LET IT BE RESOLVED, the Charles Town City Council reminds visitors and businesses that recent changes to the City's parking ordinance (Charles Town Parking District – Article 365.045 Holiday Exceptions), waives the **paid** parking requirement at all eight (8) hour street metered parking spaces, as well as the new four (4) hour street metered parking spaces .These Holiday exceptions will help ensure parking availability for visitors and shoppers to our downtown businesses this Holiday Season *(Note: the four (4) hour time restriction will be enforced as will the two (2) hour time restriction at the free parking spaces along Washington and George Streets. Parking spaces in our municipal lots (Charles & Congress, Lawrence & Congress, and Liberty Street) will retain their full functionality.)*; and

NOW, THEREFORE LET IT BE FURTHER RESOLVED, the City Council hereby declares the month of December 2024 as Shop Small Business month in Charles Town.

Adopted the second day of December, 2024.

Attest:

Robert M. Trainor
Mayor

John Nissel
City Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1204: Approval of Bills - December 2, 2024

Proposed Motion: Move to approve the payment of the bills.

ATTACHMENTS:

- CAPITAL RESERVE COUNCIL REPORT 2024 11 30.pdf
- GENERAL FUND COUNCIL REPORT 2024 11 30.pdf
- BUILDING COMM COUNCIL REPORT 2024 11 30.pdf
- PARKS N REC COUNCIL REPORT 2024 11 30.pdf

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
PUBLIC SAFETY	CAPITAL RESERVE	MPH INDUSTRIES, INC	11/27/24	PD 4 SPEED RADARS	9,620.00
		EXECUTIVE EMERGENCY LIGHTING LLC	11/27/24	4 PD CRUISERS UPFIT	79,592.95
		MOTOROLA SOLUTIONS, INC.	11/27/24	4 PD IN CAR RADIOS	17,330.52
			11/27/24	4 PD CAR CAMERAS	25,372.00
		POM INCORPORATED	11/26/24	PARKING METERS REPLACEMEN	4,752.03
			11/27/24	PRKG METER REPLACEMENT	5,578.47
		RCN TECHNOLOGIES	11/27/24	ROUTER & ANTENNA PD CARS	5,123.40
				TOTAL:	147,369.37
STREETS & TRANSPORTATI	CAPITAL RESERVE	GREENWAY ENGINEERING, INC.	11/26/24	LIBERTY 2ND BID PACKAGE	980.00
		KIMLEY-HORN AND ASSOCIATES, INC.	11/26/24	S SAMUEL STORMWATER EMERG	20,225.00
		GEOMODEL INC	11/26/24	POTTERS FLD RADAR SCAN	3,900.00
				TOTAL:	25,105.00
CULTURE & RECREATION	CAPITAL RESERVE	GEOMODEL INC	11/26/24	JMP TENNIS CRT RADAR SURV	4,900.00
		CHRISTINA ROGOMBE	11/26/24	SKATE PRK MURAL LAST INST	4,250.00
		THE CULTURE CENTER	11/21/24	GREEN& COPELAND SIGN	2,694.00
		JEREMY ROGOMBE	11/26/24	SKATE PARK MURAL ASST FEE	1,500.00
				TOTAL:	13,344.00

========== FUND TOTALS ==========

200	CAPITAL RESERVE	185,818.37
	GRAND TOTAL:	185,818.37

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: CAP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 11/21/2024 THRU 11/27/2024

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Department
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
NON-DEPARTMENTAL	GENERAL FUND	NVA	11/26/24	NVA NOV 24 PREMIUMS	144.67
			11/26/24	NVA DEC 24 PREMIUMS	144.67
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	714.90
			11/22/24	NOV 24 PREMIUMS	714.90
				TOTAL:	1,719.14
ECONOMIC DEVELOPMENT	GENERAL FUND	NVA	11/26/24	NVA NOV 24 PREMIUMS	7.97
			11/26/24	NVA DEC 24 PREMIUMS	7.97
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	87.26
			11/22/24	NOV 24 PREMIUMS	87.26
				TOTAL:	190.46
CITY MANAGER'S OFFICE	GENERAL FUND	NVA	11/26/24	NVA NOV 24 PREMIUMS	7.97
			11/26/24	NVA DEC 24 PREMIUMS	7.97
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	163.94
			11/22/24	NOV 24 PREMIUMS	163.94
				TOTAL:	343.82
TREASURER'S OFFICE	GENERAL FUND	STAPLES ADVANTAGE INC	11/26/24	OFFICE SUPPLIES	20.50
		NVA	11/26/24	NVA NOV 24 PREMIUMS	31.88
			11/26/24	NVA DEC 24 PREMIUMS	31.88
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	303.15
			11/22/24	NOV 24 PREMIUMS	303.15
				TOTAL:	690.56
CITY CLERK'S OFFICE	GENERAL FUND	NVA	11/26/24	NVA NOV 24 PREMIUMS	7.97
			11/26/24	NVA DEC 24 PREMIUMS	7.97
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	80.26
			11/22/24	NOV 24 PREMIUMS	80.26
				TOTAL:	176.46
CITY ATTORNEY	GENERAL FUND	NVA	11/26/24	NVA NOV 24 PREMIUMS	7.97
			11/26/24	NVA DEC 24 PREMIUMS	7.97
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	120.56
			11/22/24	NOV 24 PREMIUMS	120.56
				TOTAL:	257.06
ENFORCEMENT AGENCY	GENERAL FUND	NVA	11/26/24	NVA NOV 24 PREMIUMS	7.97
			11/26/24	NVA DEC 24 PREMIUMS	7.97
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	64.72
			11/22/24	NOV 24 PREMIUMS	64.72
				TOTAL:	145.38
BUILDING INSPECTION	GENERAL FUND	MATTHEW ANDERSON, PE, PLLC	11/26/24	INSPECTION 9/23 TO 9/24	2,975.00
			11/26/24	INSPECT SERV 11/18-11/22	7,800.00
		RUCKMAN ENGINEERING, PLC	11/26/24	PLAN REVIEW 11/18-11/23	2,400.00
		DUANE DUNN	11/26/24	D DUNN WVCOA CONF DEC24	154.00
			11/26/24	D DUNN WVCOA CONF DEC24	339.02
				TOTAL:	13,668.02
PLANNING & ZONING	GENERAL FUND	JEFFERSON PUBLISHING COMPANY, INC.	11/26/24	9/26 PROP ZNG & SBDIV RFP	24.06
			11/26/24	10/17 ZNG MAP AMDMT PUB H	25.90
		SHERWIN - WILLIAMS	11/26/24	PAINT A MEEKS OFFICE	41.99
		KIMLEY-HORN AND ASSOCIATES, INC.	11/26/24	10/24 SITE REVIEWS	6,895.23
		NVA	11/26/24	NVA NOV 24 PREMIUMS	23.91
			11/26/24	NVA DEC 24 PREMIUMS	23.91

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	280.90
			11/22/24	NOV 24 PREMIUMS	280.90
				TOTAL:	7,596.80
CITY HALL	GENERAL FUND	FRONTIER, INC.	11/26/24	CH ELEVATOR 11/10-12/09	71.13
		GRIFFITH ENERGY SERVICES, INC	11/26/24	CITY HALL HTNG OIL 11/12	291.52
		CHARLES TOWN BUILDING COMMISSION	11/26/24	11/ 24 CWH RENT	10,390.98
		PITNEY BOWES INC	11/26/24	9/30-12/29 POSTAGE LEASE	371.49
		STAPLES ADVANTAGE INC	11/26/24	COPY PAPER	90.98
			11/26/24	OFFICE SUPPLIES	24.84
		FIRST-CITIZENS BANK & TRUST CO	11/26/24	3RD FL COPIER RENTAL	117.70
			11/26/24	CH 2ND FLR PLOTTER 12/24	506.12
			11/26/24	CH 1ST FLR COPIER DEC 24	239.68
		UNITED RENTALS INC	11/26/24	HDL $50 FEE CREDIT	16,650.00
		RUG DOCTOR LLC	11/26/24	HDL $50 FEE CREDIT	15,850.00
		SAFELITE FULFILLMENT INC #4028	11/26/24	HDL $50 FEE CREDIT	16,000.00
		WILLIAMS SCOTSMAN INC	11/26/24	HDL $50 FEE CREDIT	2,650.00
		AMERICAN BUILDERS & CONTRACTORS SUPPLY	11/26/24	HDL $50 FEE CREDIT	15,300.00
		MCGRATH RENTCORP	11/26/24	HDL $50 FEE CREDIT	2,000.00
		PACE ANALYTICAL SERVICES INC	11/26/24	HDL $50 FEE CREDIT	16,200.00
		PITNEY BOWES INC	11/26/24	HDL $50 FEE CREDIT	15,800.00
		PITNEY BOWES GLOBAL FINANCIAL SERVICES	11/26/24	HDL $50 FEE CREDIT	15,800.00
		NVA	11/26/24	NVA NOV 24 PREMIUMS	7.97
			11/26/24	NVA DEC 24 PREMIUMS	7.97
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	105.17
			11/22/24	NOV 24 PREMIUMS	105.17
		PRAXAIR DISTRIBUTION DBA LINDE GAS	11/26/24	HDL $50 FEE CREDIT	15,750.00
				TOTAL:	144,330.72
PARKING	GENERAL FUND	GALLS, LLC	11/26/24	RETURN SHIP LABEL	7.99
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	34.04
			11/22/24	NOV 24 PREMIUMS	34.04
				TOTAL:	76.07
POLICE DEPARTMENT	GENERAL FUND	CITY OF CHARLES TOWN PETTY CASH	11/26/24	REPLEN PD PTTY CSH POSTAG	240.27
		CREAMERS AUTO SERVICE CENTER, LLC	11/26/24	OIL SERVICE CAR#5	36.40
			11/26/24	OIL SERVICE CAR#5	88.45
			11/26/24	TIRE REPAIR CAR#25	31.25
		POSTMASTER- CHARLES TOWN	11/26/24	2 ROLLS 100 STAMPS	146.00
		SIRCHIE ACQUISTION COMPANY LLC	11/26/24	PD FORENSIC SUPPLIES	603.73
		THE JOURNAL,MARTINSBURG	11/26/24	PD RECRUITMENT AD 11/6-13	870.00
		COMCAST CORPORATION	11/26/24	PD CABLE 11/7-12/6	10.49
		TINT WIZARD	11/27/24	CAR#18 FULL VEH GRAPHICS	1,250.00
			11/27/24	CAR#25 TINT& LETTERING	1,250.00
		MOTOROLA SOLUTIONS, INC.	11/27/24	FY25 CAR CMRS SFTWRE LIC	487.50
		MELISSA SEGURA	11/27/24	INTERPRETER CAC INTERVIE	175.00
		MICHAEL LIPSCOMB	11/26/24	SRO TRAINING MEALS	374.00
		NVA	11/26/24	NVA NOV 24 PREMIUMS	143.46
			11/26/24	NVA DEC 24 PREMIUMS	143.46
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	1,642.48
			11/22/24	NOV 24 PREMIUMS	1,642.48
				TOTAL:	9,134.97
STREETS & HIGHWAYS	GENERAL FUND	KONE INC.	11/26/24	CH ELEVATOR REPAIRS	2,037.71
		JOHNSON CONTROLS SECURITY SOLUTIONS	11/26/24	CWH ALARM 12/01-02/28	344.55
		NVA	11/26/24	NVA NOV 24 PREMIUMS	15.94

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
			11/26/24	NVA DEC 24 PREMIUMS	15.94
		SUN LIFE	11/26/24	SUN LIFE PREMIUMS DEC 24	250.23
			11/22/24	NOV 24 PREMIUMS	250.23
		BREWER & COMPANY OF WV INC	11/26/24	CWH QUART SPRINKLER INSP	467.50
				TOTAL:	3,382.10
TRANSFERS	GENERAL FUND	CITY OF CHARLES TOWN -- CAPITAL RESERV	11/26/24	OCTOBER 24 REPAVING	13,984.06
				TOTAL:	13,984.06
GENERAL GOVERNMENT	CAPITAL RESERVE	MPH INDUSTRIES, INC	11/26/24	BANK CODE CORRECTION	4,810.00-
			11/26/24	RADARS FOR PD CRUISERS	4,810.00
		MILLER'S SUPPLIES AT WORK	11/26/24	BANK CODE CORRECTION	5,483.55-
			11/26/24	NEW CHAIRS&COURT TABLE	5,483.55
				TOTAL:	0.00

========== FUND TOTALS ==========	
001 GENERAL FUND	195,695.62
200 CAPITAL RESERVE	0.00
GRAND TOTAL:	195,695.62

TOTAL PAGES: 3

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: AP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 11/21/2024 THRU 11/27/2024

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Department
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
661 MUNI ANNEX BLDG	BUILDING COMMISSIO	BANK OF CHARLES TOWN	11/26/24	DEC 24 BCT LOAN PAYMENT	3,677.41
			11/26/24	DEC 24 BCT LOAN PAYMENT	6,713.57
				TOTAL:	10,390.98

FUND TOTALS	
400 BUILDING COMMISSION	10,390.98
GRAND TOTAL:	10,390.98

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	02-CT BUILDING COMMISSION
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: BC
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	11/26/2024 THRU 11/26/2024

PAYROLL SELECTION

PAYROLL EXPENSES:	NO
EXPENSE TYPE:	N/A
CHECK DATE:	0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE:	Check Date
SEQUENCE:	By Department
DESCRIPTION:	Item
GL ACCTS:	NO
REPORT TITLE:	COUNCIL REPORT
SIGNATURE LINES:	2

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
PARKS & REC	PARKS & REC	CHET HINES	11/26/24	FUEL HAPPY RETREAT 11/19	10.03
			11/26/24	FUEL HAPPY RETREAT 11/20	5.63
				TOTAL:	15.66

FUND TOTALS		
207	PARKS & REC	15.66
	GRAND TOTAL:	15.66

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	03-CT BOARD OF P&R
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: PARK1
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	11/26/2024 THRU 11/26/2024

PAYROLL SELECTION

PAYROLL EXPENSES:	NO
EXPENSE TYPE:	N/A
CHECK DATE:	0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE:	Check Date
SEQUENCE:	By Department
DESCRIPTION:	Item
GL ACCTS:	NO
REPORT TITLE:	COUNCIL REPORT
SIGNATURE LINES:	2

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1192: U.S. EPA Region 3 Thriving Communities Grant

ATTACHMENTS:

- Charles Town Thriving Communities Grant.pdf

U.S. EPA "THRIVING COMMUNITIES GRANTS"
Options for City of Charles Town
November 2024

Overview of Grant

- U.S. EPA Region 3 (which covers WV) is working with a non-profit named the Green & Healthy Homes Initiative to put out $40 million in grants in the coming year.
- Grants are to alleviate environmental projects in ways that promote environmental justice, defined as supporting "historically underserved communities that have been disproportionately burdened by environmental hazards and health consequences and have faced environmental and energy justice challenges. These communities are often exposed to unhealthy land uses, poor air and water quality, dilapidated housing that leads to lead exposure, and other environmental threats that drive health disparities. The combination of environmental risks and social inequities creates a cumulative, disproportionate impact that hinders optimal environmental health and justice particularly for these communities." To qualify for this grant, an area must be on the federal government's "Disadvantaged Communities Map". All of Charles Town (and Ranson) west of the 340 bypass through the N-S railroad tracks at the west end of MLK Boulevard are qualified areas.
- Applications due November 30, 2024
- No match required
- See www.GreenAndHealthyHomes.org/ThrivingCommunities/

Three Tiers of Funding

1.) Grants up to $150,000 for "**Community Assessment**":
- Research (that is incidental to the project design)
- Sampling
- Testing
- Monitoring
- Investigations
- Surveys and studies
- Public education

2.) Grants up to $250,000 for "**Planning**":
- Planning
- Partnership-building
- Public outreach and education
- Coordination with community stakeholders to address environmental issues
- Training activities for community organizations and community members
- Projects and activities to spur community involvement (e.g., cleanups of vacant lots)
- Smaller land purchases and acquisitions that require less than half of the total amount of Award funding

3.) Grants up to $350,000 for "**Project Development**":
- Project Development
- Blueprints for construction or cleanup projects, schematics, and technical development
  **Grant funds cannot be used to fund new construction, defined as the building or erection of new structures, homes, and commercial properties. EJ projects focused on rehabilitation, hazard remediation, and energy retrofits of existing properties are eligible. Allowable activities include, but are not limited to, the remediation or mitigation of hazardous substances, the installation of energy efficiency measures, and rehabilitation efforts to improve indoor air or water quality.*
- Work to get permits in place directly related to an environmental project
- Smaller land purchases and acquisitions that require less than half of the total amount of Award funding
- Implementation of project plans
- Public outreach and education

Eligible Activities – EPA lists 15 different types of activities that would be considered competitive for funding award. I have listed below only those that I think are relevant and suited to Charles Town. It may be best to combine activities to create a beneficial project for the community. The City should also think realistically about the capacity of the city and any partner organizations to conduct the activities.

1.) **Improving food access to reduce vehicle miles traveled –** Pay for Alpha Engineering's work on the Augustine Trail Phase 3 Trail project, to create better access for West End to Sav-a-Lot Grocery, and to Ranson Community Gardens. Specifically, pay for design and engineering of Perry Fields Trail and Evitts Run Park Trail and connections over W. Washington Street.
   - Engineering for Phase 3 sections 3B & 3C (does not include design of streetscape along Augustine Avenue in front of Hilldale Shopping Center) = $31,000
   - Engineering streetscape on Augustine Avenue, Phase 3, Section 3A = $211,600

   TOTAL = $242,600
   - If FY25 federal funding bill is completed, there will be $250,000 more coming to this "West End Connector", which could be used on design/engineering, or construction instead of this grant. Also, we have lots of TAP/FY23 earmark funding already. Note that construction of Phase 3, Segments 3B and 3C = $258,400.

2.) **Climate Resiliency & Adaptation / Small Cleanup Projects / Healthy Homes that are Energy/Water Use Efficiency and Reduce Indoor Toxics & Air Pollutions** – These are three separate categories. One idea would be to upgrade the First Free Black School with energy efficient HVAC, insulation, and water-efficient plumbing. EPA has been funding a lot of "Community Resilience Hub" projects to create community facilities that can be used for education, activities, youth activities, emergency shelter, etc.
   - HVAC = $12,000
   - Insulation, drywall ceilings, painting = $10,000
   - Installation of water-efficient, accessible bathroom and kitchenette = $15,000 (add $10,000 more if sewer/water stubs need installed or upgraded)

   TOTAL = $37,000 to $47,000

3.) **Water quality & sampling** – Work with the Blue Ridge Watershed Coalition and the West Virginia Rivers Coalition to conduct water quality monitoring, green infrastructure projects (urban tree plantings & raingardens), and community water quality education for the Evitts Run segment on West End Charles Town. Blue Ridge Water Coalition says $10,000 could handle monitoring, other "green infrastructure" activities could range at any amount, depending on the amount of urban trees and raingardens/riparian improvements conducted. Could also involve City acquisition of the 0.364-acre Parcel 19-03-0001-0211-0000 on the Evitts Run Creek adjacent to Perry Fields for the purpose of resilient waterfront green space development.

4.) **Stormwater issues and green infrastructure** – This could leverage with pending $360,000 EPA earmark for a "Green Infrastructure Master Plan", or be used for specific green infrastructure construction projects.

5.) **Lead and asbestos contamination** – Could conduct a program to assess lead and asbestos contamination challenges for housing in targeted Charles Town neighborhoods. Could add a lead and asbestos abatement program as well, but that could get costly. Key question is does the city or a key partner have the capacity to run such a program?

Recommended Options

1.) **Option 1 – Seek $250,000 "Planning" grant to conduct design, engineering, and planning/partnerships for combo of projects:**
   - Engineer Augustine Trail Phase 3, Segments 3B & 3C for $31,000 plus Phase 3, Segment 3A for $211,600
   - Conduct water quality sampling & green infrastructure activities on Evitts Run –$25,000

   TOTAL = $257,600 (would need to round down to $250,000 using other Augustine funds for gap)

2.) **Option 2 – Seek $350,000 "Project Development" grant to conduct all activities in Option 1 plus conduct construction of other projects:**
   - Option 1 activities –$257,600
   - First Free Black School energy-smart rehabilitation –$47,000
   - Evitts Run Water Quality Project –$70,400 total (note that $25k was already included for this in Option 1, so don't double-count. Extra cost of this bullet above Option 1 is $45,400)
   - Note – could switch out some of above for construction of Augustine Trail Phase 3, Segments 3B / 3C = $258,300. I suggest that trail/sidewalk construction may be less competitive for funding under this grant.

   TOTAL = $350,000 (without $258,300 Augustine Trail Sections 3.B & 3.C construction)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/02/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1193: Charles Town Police Department October Statistics

ATTACHMENTS:

- October 2024 CTPD Stats.pdf

Charles Town Police Department
Monthly Stat Report

October 2024

911 Hangup	4	Loose Dog	1
Abandoned Vehicle	8	Missing Person	
Alarm	38	Motorist Assist	5
Animal Complaint	5	MVA w/ Entrapment	
Assault	3	MVA Hit and Run	3
ATV Complaint	1	MVA No Injury	28
BOLO	1	MVA w/ Injury	4
Breaking and Entering		Noise Complaint	1
Building Check	37	Open Door	1
Capias Recall by Court	10	Out of Car (Investigation/Mtg/Court)	10
Capias Service	21	Overdose	
Citizen Assist	1	Overdose-Death	
Code Enforcement	1	Panhandling	1
Court/Bailiff Duty	2	Parking Complaint	14
Crossiing Guard Duties	2	Public Assist (In Person Contact)	30
Destruction of Property	2	Public Service (Phone Contact)	86
Directed Patrol	291	Reckless Driver	1
Disabled Vehicle	7	Road Patrol	17
Disturbance	30	Sexual Assault	
Dog Locked in Vehicle	1	Shoplifting	
Domestic	3	Special Event/Detail	13
Drug Activity	11	Stolen Vehicle	
DUI	5	Suspicious Activity	7
EMS Assist	7	Suspicious Person	1
Fingerprinting	2	Suspicious Vehicle	14
Fire Assist	1	Swear To Complaints	2
Fireworks Complaint	1	Theft	2
Follow Up	10	Threats	1
Foot Patrol	14	Traffic Hazzard	5
Found Property	3	Transport	
Fraud	3	Trespassing	4
Gunshots Heard	1	Unattended Death	
Hardcopy Check	3	VIN Verification	
Illegal Burn	1	Warrant Service	12
Information	1	Welfare Check	21
Injured Animal	3	Wildlife Complaint	
Intoxicated Person	3	Wires Down	
Juvenile Complaint	4	**Total calls of service**	**825**

Assists/Back-Ups:	Ranson	**8**	Sheriffs Dept.	**30**	
	Harpers Ferry		State Police	**1**	
	Shepherdstown		Other (not including CTPD)	**9**	
			Total Assists	**48**	

	Male	Female	Caucasian	African American	Hispanic	Asian	Other/ Unknown	Total
Defendants:	22	20	35	5	2	0	0	**42**
Total Charges	49	44	83	8	2	0	0	**93**
Citations:								**328**
- Moving								**188**
- Nonmoving								**114**
- Criminal								**18**
- S Ticket (Parking)								**8**
Stops	164	99	173	30	53	5	2	**263**
Warnings:								**105**
Stops	55	50	66	10	13	3	13	**105**
Total	**241**	169	**274**	**45**	**68**	**8**	**15**	
Incident Report								**75**
Parking								
- Citations								**232**
-Warnings								**17**

Charles Town Police Department
Monthly Stat Report
Charges by Offense/Gender/Race

October 2024

	Male	Female	Caucasian	African American	Hispanic	Asian	Unknown
PART I OFFENSE							
Burglary (Daytime)							
Burglary (Nighttime)							
Grand Larceny							
Grand Larceny, Attempted	1			1			
Malicious Assault							
Malicious Wounding							
Attempted Murder 1st Degree							
Murder 1st Degree							
Petit Larceny	1			1			
Robbery - Attempted							
Robbery							
Robbery 2nd Degree							
Sexual Assault 1st Degree							
Shoplifting							
Shoplifting 2nd Offense							
Shoplifting 3rd Offense							
Strangulation							
TOTAL	2	0	0	2	0	0	0
PART II OFFENSE							
Assault							
Assault on an Officer							
Attempted to Defeat Drug/Alcohol Screening Test							
Battery	2		2				
Bond Revocation	2		2				
Breaking and Entering Vehicle	1			1			
Capias Served	3	8	10		1		
Child Abuse Resulting in Injury							
Child Neglect Creating Risk of Injury		2	1	1			
Computer Fraud							
Conspiracy to Organized Retail Theft		2	2				
Conspiracy to Distribute MDMA							
Conspiracy to Breaking and Entering							
Conspiracy to Possess w/Intent to Deliver Cocaine							
Conspiracy to Possess w/Intent to Deliver Heroin							
Conspiracy to Possess w/Intent to Deliver Methamphetamine							
Cruelty to Animals	1		1				
Destruction of Property	2			2			
Disorderly Conduct							
Disruption of School							
Distribution of Crack Cocaine							
Domestic Assault 3rd Offense	1		1				
Domestic Battery		1	1				
Domestic Battery 2nd Offense							
Domestic Battery 3rd Offense	1		1				
Driving Revoked for DUI	3	1	4				
Driving Revoked for DUI 2nd							
Driving Revoked for DUI 3rd	2		2				
Driving Revoked Non DUI Admin							
DUI	1	1	2				
DUI 2nd							
DUI 3rd		1	1				
DUI Aggravated	1		1				
DUI Causing Bodily Injury							
DUI - Drugs							

Charles Town Police Department

Monthly Stat Report

Charges by Offense/Gender/Race

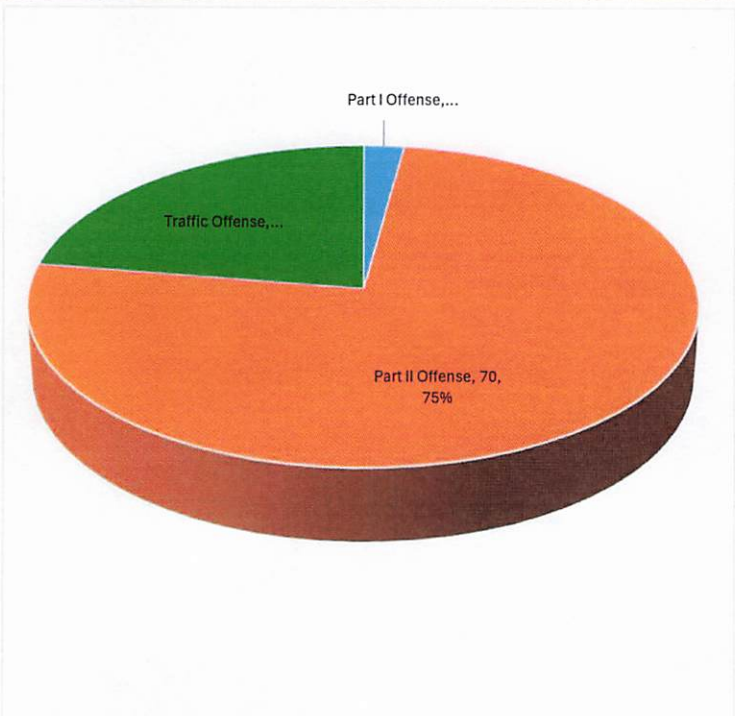
DUI - Drugs 3rd Offense							
DUI w/ Minor							
Engage in Business W/O Business Franchise Registration							
Failure to Make Required Payments							
False Alarm of Fire							
False Reporting of an Emergency							
Felon in Possession of Firearm							
Fingerprint Refusal	1	2	3				
Fleeing from Officer							
Forgery of a Public Record		4	4				
FPO Violation							
Fraudulent Schemes							
Fugitive From Justice							
Injuring or Tampering with Mobile Equipment							
Interfering with Emergency Communication							
Leash Law Violation		6	6				
Non-Consensual Disclosure of Private Intimate Images							
Obstructing an Officer	1	2	3				
Obtain Money, Property, Services by False Pretense							
Open Container							
Organized Retail Theft		2	2				
Pedestrian in Roadway							
Pimping							
Possession Deadly Weapon by Minor							
Possession of Alcohol Under 21							
Possession of Acetaminophen/Tramadol							
Possession of Gabapentin							
Possession of Heroin							
Possession of Marijuana	4	4	6	1	1		
Possession of Methamphetamine							
Possession of Oxycodontin							
Possession of Pregabalin							
Possession of Xanax							
Possession w/ Intent to Deliver Methamphetamine							
Possession w/ Intent to Destribute Heroin							
Probation Revocation							
Prohibited Person in Poss of Firearm	1	1	2				
Prostitution							
Prostitution 2nd Offense							
Providing Alcohol to Under 21							
Public Intoxication		1	1				
Reckless Driving		1	1				
Sale of Alcohol to Person Under 21							
Sexual Abuse 1st Degree							
Sexual Assault 2nd Degree	1		1				
Tampering with Vehicle	1			1			
Transfer Receive Stolen Vehicle Felony							
Trespassing	1	1	2				
Unlawful Possession/Transport into WV Fentanyl							
Underage Consumption of Alcohol							
Uttering							
Wanton Endangerment							
TOTAL	**30**	**40**	**62**	**6**	**2**	**0**	**0**

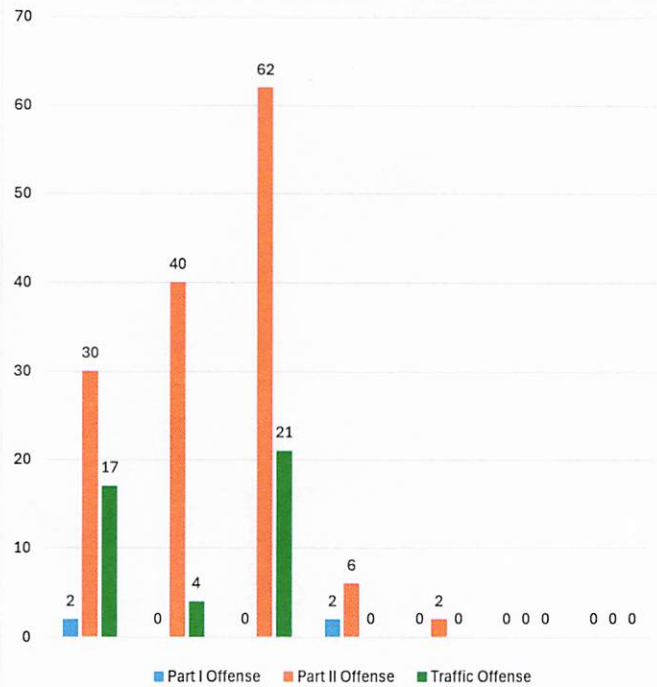
Charles Town Police Department

Monthly Stat Report

Charges by Offense/Gender/Race

TRAFFIC OFFENSE							
Cell Phone Violation							
Child Safety Restraint Violation							
Defective Equipment							
Driving Suspended	2		2				
Driving Suspended 2nd Offense		1	1				
Driving Suspended 3rd Offense							
Driving Too Fast for Conditions							
Exp/No MVI	1		1				
Expired/No Operators							
Expired/No Registration	5		5				
Fail to Keep Right							
Fail to Maintain Control	1		1				
Fail to Obey Traffic Control Device							
Fail to Render Aid	1		1				
Fail to Report Accident	1		1				
Failure to Yield at Intersetion							
Following to Closely							
Improper Display	1		1				
Improper Registration	1		1				
Leaving the Scene of Accident w/ Injury	1		1				
Leaving the Scene of Accident w/ Damage	1		1				
Left of Center							
Littering from Vehicle		1	1				
No Insurance/No Proof of Insurance	1	1	2				
No Motorcycle Endorsement							
No Parking Violation							
No Seatbelt							
Passing on Right Off Road		1	1				
Red Light Violation							
Speeding	1		1				
Wrong Way on Traffic Circle							
TOTAL	**17**	**4**	**21**	**0**	**0**	**0**	**0**
TOTAL CHARGES	**49**	**44**	**83**	**8**	**2**	**0**	**0**





Charles Town Police Department

Total Traffic Citation Report, by Violation

Violation	Description	Total
17A-3-15	Improper Display Of Registration	2
17A-3-16	Expired Registration	49
17A-3-1a(a)	New Residence Reg-30 Days	1
17A-6-15	Temporary Registration	1
17A-9-2	No Or Expired Registration	27
17A-9-3	Improper Registration	1
17B-2-1	No Operators	7
17B-2-12	Expired Operators	1
17B-4-3(a)	Driving Suspended/2nd/3rd	9
17B-4-3(b)	Driving Revoked For DUI/2nd/3rd	6
17B-4-3a	Driving Suspended or Revoked	1
17C-12-5	Stop Sign Violation	2
17C-13-3	Parking Violation	2
17C-14-14	Littering From Motor Vehicle	1
17C-14-15	Use Handheld Communication Device	1
17C-16-9	No Or Expired MVI	21
17C-3-4	Fail To Obey Traffic Control Device	8
17C-3-5	Fail To Obey Traffic Light	15
17C-3-5(c)	Right on Red	1
17C-4-1	Hit And Run With Death Or Injury	1
17C-4-2	Leaving The Scene Of An Accident	1
17C-4-3	Fail to Give Info & Render aid-accident	1
17C-4-6	Fail To Report Crash >$1,000	1
17C-5-2(e)	Basic DUI <.15	2
17C-5-2(f)	Aggravated DUI >.15	2
17C-5-2(m)	DUI 3rd Or Subsequent	1
17C-5-3	Reckless Driving	1
17C-6-1a	Failure To Maintain Control	6
17C-6-1b	Speeding	91
17C-7-4	Passing On Right-Off Road	4
17C-7-8	One Way And Traffic Island Violation	2
17C-7-9	Improper Lane Change	2
17C-8-8	Improper Stopping/Turning/Signaling	1
17C-9-1	Fail Yield At Intersection	1
17C-9-2	Fail to yield while making a left turn	1
17C-9-5	Fail To Yield-Emergency Vehicle	2
17D-2A-3	No Insurance	10
17D-2A-4	No Proof Of Insurance	14
CTPD1102.16(b)	Feeding Feral Cats	1
CTPD171.07	Failure To Appear For Trial (CAPIAS)	10
CTPD333.03	Hazardous Driving	3
CTPD334.02(b)	Open Container in Vehicle	3
CTPD349.15	Shortcutting Traffic Control Device	1
CTPD361.04(a)	Parking Time Limit (Business Dist)	1

Violation	Description	Total
CTPD361.08	Parking For Prohibited Purposes	4
CTPD361.09	Loading Zone Violation	1
CTPD531.03	Possession Of Marijuana <15gms	4
Report Totals		**328**

Report Includes:
All dates of issue between `00:00:00 10/01/24` and `23:59:59 10/31/24`, All agencies matching `CTPD`, All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types

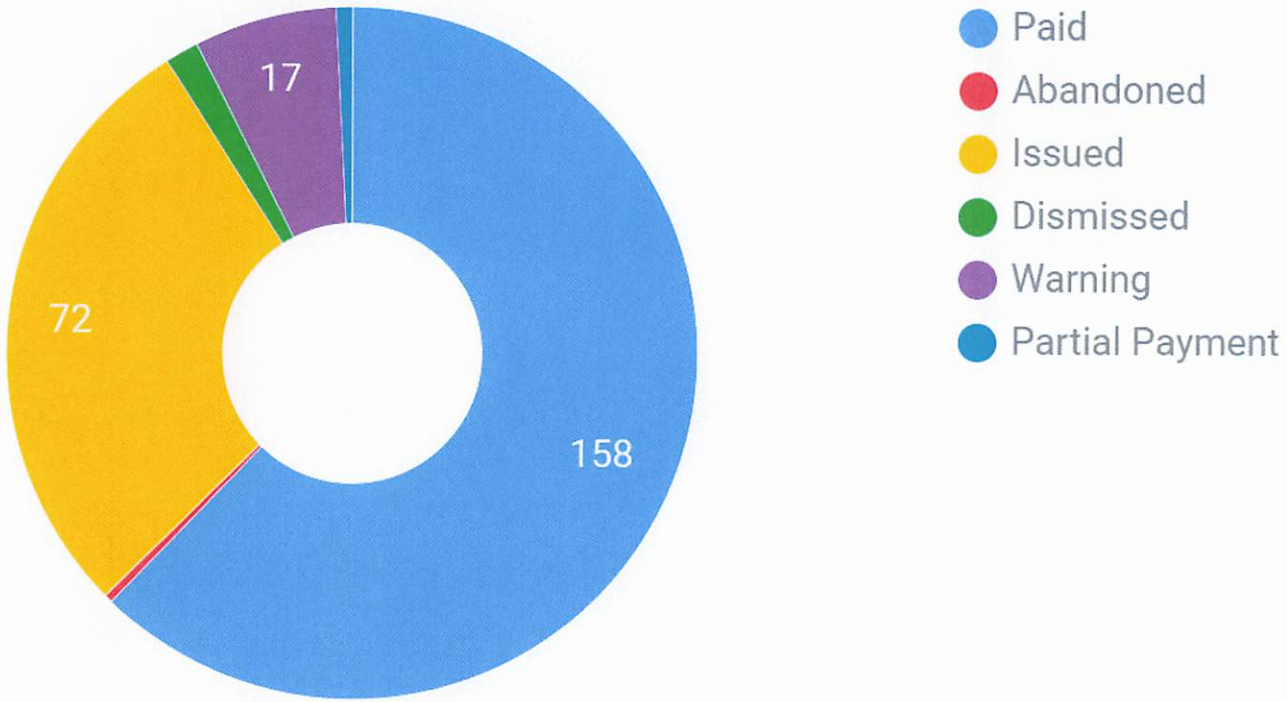
Charles Town Police Department

Total Traffic Warning Report, by Violation

Violation	Description	Total
17A-3-15	Improper Display Of Registration	12
17A-3-16	Expired Registration	15
17C-10-3	Crossing At Other Than Crosswalks	1
17C-12-5	Stop Sign Violation	2
17C-15-1	Unsafe-Improperly Equipped Vehicle	5
17C-15-4	Head Lamp Requirements	2
17C-15-5	Tail Lamp Requirements	4
17C-3-4	Fail To Obey Traffic Control Device	16
17C-3-5(c)	Right on Red	3
17C-4-5	Duty Upon Striking Highway Fixture	1
17C-6-1(a)	Too Fast For Conditions	1
17C-6-1a	Failure To Maintain Control	1
17C-6-1b	Speeding	30
17C-7-1	Fail to Keep Right	2
17C-7-3	Improper Passing/Audible Signal	2
17C-7-4	Passing On Right-Off Road	1
17C-7-6	Left of Center	2
17C-7-8	One Way And Traffic Island Violation	1
17C-8-8	Improper Stopping/Turning/Signaling	2
17C-9-1	Fail Yield At Intersection	2
	Report Totals:	**105**

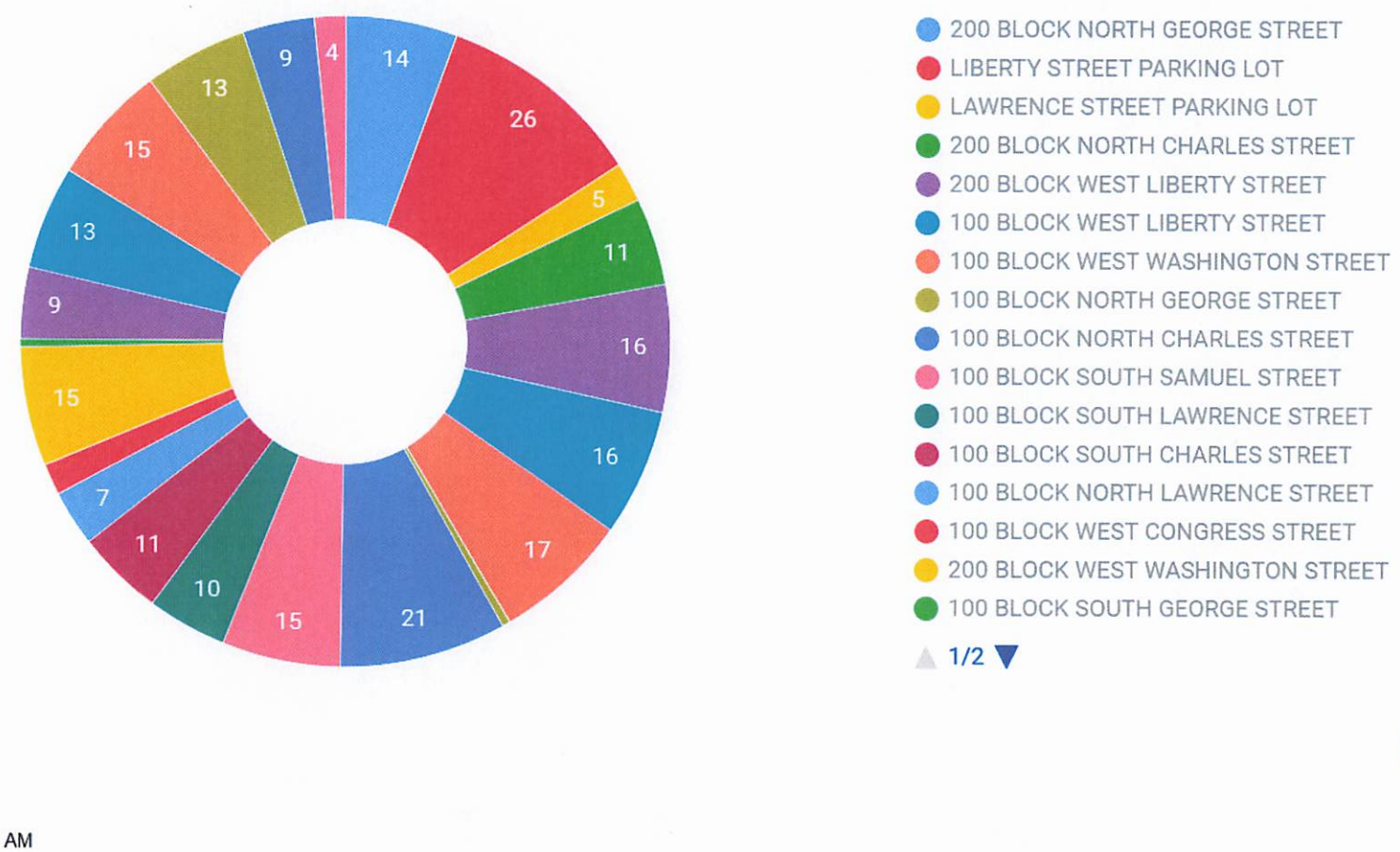
Report Includes:
All dates between `00:00:00 10/01/24` and `23:59:59 10/31/24`, All agencies matching `CTPD`, All issuing officers, All areas, All violations

City of Charles Town - Tickets By Status (Oct. 2024)



Data as of 11/18/2024, 12:00:00 AM

City of Charles Town - Tickets By Location (Oct. 2024)



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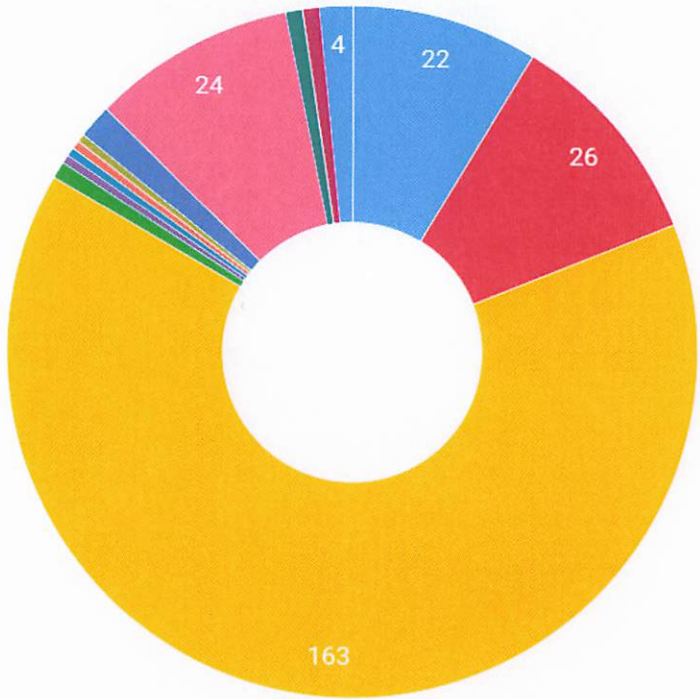
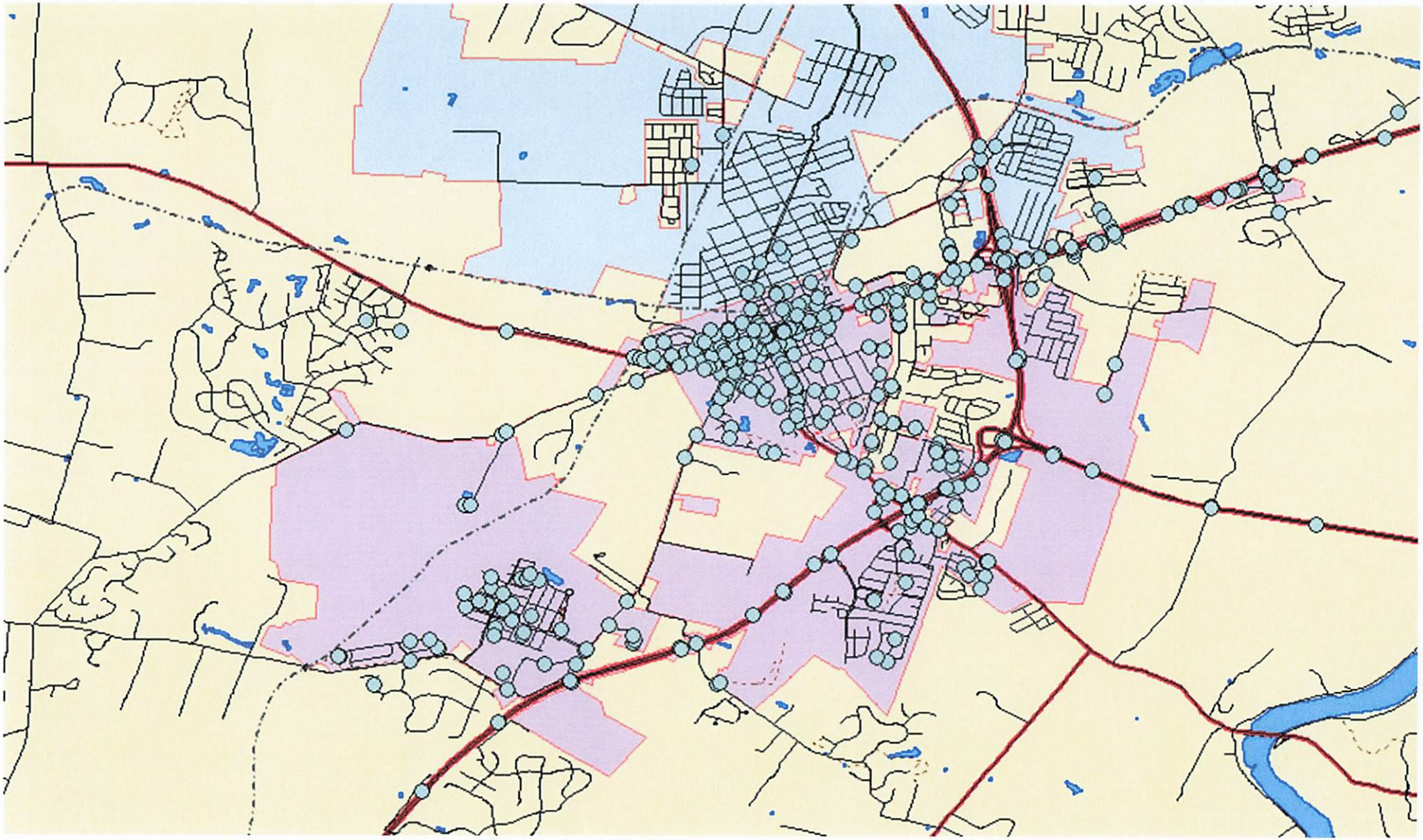
City of Charles Town - Tickets By Violation (Oct. 2024)



- Accessible Parking Violation
- Exceed 2 Hour Free Parking
- Expired Meter
- Improper Manner of Parking
- Left wheel more than 18" from left (one-way) curb
- Loading/Unloading Zone Violation
- Parked on Sidewalk
- Parked within 20 feet of a Crosswalk
- Parking Permit Violation
- Permit Parking Only/Pay by App Violation (Liberty Street Lot)
- Right wheel more than 18" from right curb
- Temporary No Parking Zone (Events/Parades/ Construction) Violation
- Yellow/Red Painted Curbs or Streets Violation

Data as of 11/18/2024, 12:00:00 AM

October 2024 – All CTPD Calls



October 2024 – All CTPD Traffic Stops

