

Annexation & Rezoning Request

Property Owner:	George Kalathas
Property Description:	(3) contiguous parcels containing 8.276 acres in the aggregate
Property Location:	Located on the north side of what would be an extension of East High Street in the Shepherdstown Magisterial district and contiguous with the municipal boundary of the Corporation (County Tax Map 8, Parcels' 43, 43.1 & 43.2).
Current Land Use Designation:	Rural/Large Lot/Residential
Proposed Land Use:	Restaurant, Event Venue, Transient Lodging
Current County Zoning:	Rural
Proposed Shepherdstown Zoning:	Residential/Commercial (R/C) or Planned Urban Development (PUD)

Staff Comments:

The original Annexation Petition dated January 26, 2012 and submitted by D. Frank Hill, Attorney for the Petitioner, George Kalathas addressed all the requirements set forth in Title 9, §9-1424, Annexation. The Supplemental Petition for Annexation dated October 27, 2017 and submitted by Alice A. Chakmakian, Attorney for the Petitioner, George Kalathas addresses the questions raised upon review of the original petition: 1) Intended Use of the Property; 2) The requested zoning component of the Town Annexation Policy and its application to the original petition; and 3) The traffic study component of the Town Annexation Policy and its application to the original petition.

The subject property is located within the Corporation of Shepherdstown's Growth Management Boundary (GMB) and annexation into the Corporation is consistent with Shepherdstown's Comprehensive Plan. The requested option of an R/C zoning reclassification is not appropriate as this classification was designed for the central business district of the corporation. The proposed PUD zone would be an appropriate classification as it encourages flexibility in the development of land in order to promote its most appropriate use. As stated in the Supplemental Petition, the Petitioner is unsure as to the scope of development at this time. The PUD classification would allow the flexibility to develop the property in mixed use phases.

Precedence has been established for the annexation and PUD zoning reclassification of property adjacent to the Town's eastern municipal boundary. The PUD reclassification was granted to the owners of Shepherd Village East, LLC in 2015. This property is located across East German Street/River Road from the subject property.

Pursuant to Section 9-205(a), Zoning of Annexed Areas, "All territory which may be annexed to the town shall from time of annexation be considered as being in the R- District until changed by ordinance, **unless the resolution of annexation by the Town Council provides for other district classification or classifications. If land is to be annexed and classified other than (a) R-1 or (b) a district classification of some property abutting, contiguous or adjacent thereto, the town council shall: (1) Refer the matter to the Commission for recommendation and report, and if the Commission makes no report within ten (10) days from the date the council refers it to the Commission, it shall be considered to have made a report approving the proposed annexation and district classification, and**

Annexation & Rezoning Request

(2) Hold a public hearing in relation thereto, giving at least ten (10) days' notice of the time and place of such hearing in a newspaper published or having general circulation in the area."

Summary:

It is the recommendation of staff that the Planning Commission recommend to Town Council the annexation and congruent zoning reclassification of the subject property to "PUD". A motion should include that future approval of a Development Plan is contingent upon submission of a traffic impact study.