

**Brief Proposal for a Process for the Town of Harpers Ferry to
Review and Approve Rezoning and Building Permit Applications
Submitted by
SWaN Investors for the Hilltop Hotel Property**

It has been suggested that the Hilltop Hotel development project is of such a magnitude and complexity that the existing Town processes cannot accommodate the needed paperwork and decision-making. We disagree. We believe that the existing processes, with perhaps some slight modifications to our rezoning definitions, can adapt to both the needs of the Town and the needs of the developers. In our opinion, the process proposed by the developers cannot be implemented by the Town, as it requires a bypassing of review procedures that are required by the State Code, and that are required for every other project in Town.

We understand the desire of the developers for certain assurances that the Town will accept their final vision of the development project and will complete plan reviews without unreasonable delays. At the same time, the Town is acutely aware that the project is in the middle of a National Register Historic District. It is a town of world-class beauty, and of primary significance in the history of industry and slavery. We have only one chance to do it right. We, and those who come after us, will have to live with our decisions for decades to come. The developers are not the only ones taking a risk. We take our responsibility seriously and expect, as stakeholders in the realization of this development, that it will be a source of pride for the Town.

To that end we propose the following outline of a process that is consistent with the State Code and our ordinances, allowing public input and plan revisions while still offering the developers assurances of timely approval of the phases of their project.

1. **The developers present their master plan [MP] to the Public** at a meeting to be held in a large space such as the Camp Hill Methodist social hall or a Mather Training Center classroom. The public has one month to submit written comments to the Town and developers. The developers can consider modifications to the MP based on this public input. As per the developer's proposal, the MP will include the following:
 - Conceptual site plan showing the horizontal location of all building footprints, gardens, parking, etc.
 - Building elevation and details.

- Parking layout and calculations.
- Traffic study and circulation plan
- Tree assessment plan
- Trails assessment
- Preliminary review of onsite water, sewer and stormwater management
- Historical assessment of buildings
- [we would add, if not included in above: streetscape and landscaping]*
- [we also need to know the **intended uses** of each building]*

2. **The Town Council [TC] charges the Planning Commission [PC] and the Landmarks Commission [LC] with examination of current zoning regulations for possible changes.** For example, potential new districts may be defined, or an overlay zone developed, that could accommodate the needs and concerns of both the Town and the developers. There may be other ways to accomplish this. The Town may need to engage outside help in drafting new district regulations. The PC would conduct a public hearing on possible changes. It takes two TC meetings to approve any modifications.

3. **The developers submit a rezoning request to the Town for any property they wish to be rezoned.** Current rezoning procedures apply: The Town submits the application to the PC for a change in the zoning map. The PC reviews the application for conformity to the Comprehensive Plan [CP] and makes a recommendation to the TC. The TC holds a hearing. The TC votes.

The rezoning application will specifically include;

1. Boundary survey of parcels.
2. Existing conditions exhibit showing locations of existing buildings, improvements and topographic features.
3. Narrative outlining proposed uses.
4. Comprehensive plan review
5. Proposed zoning changes
6. Tax and Financial Impact Analysis pertaining to revenues and fees that could be anticipated by Harpers Ferry

4. **The developers' MP is submitted to the Town for pre-building permit review [as recommended in 1705.03a].** The LC/PC/TC review the MP informally for conformance with the Town's Comprehensive Plan and compatibility with planning and zoning ordinances, and engage in dialog with the developers regarding the project.
5. **If the developers determine that any structure is not salvageable, they can apply for a demolition permit at this point.** The developers must make a case that reuse is not possible and submit supporting documentation. The LC is required to issue what amounts to a "Historic Structure Report" on the building if it is to be torn down so as to document as much information about the present historic structure as possible. In this case, the developers' historic structure report could be accepted in lieu of the LC doing its own study. LC/PC/TC review of the demolition permit for compatibility to Town ordinances and CP will take place.
6. **The developers submit building permits in accordance with the current ordinances.** Review by LC/PC/TC for conformity to CP, Town ordinances, historic district design compatibility, and conformance with any previous agreements with the developers. Changes are considered by the LC/PC/TC, which will meet frequently for this purpose. An independent professional 3rd party may need to be engaged to review the permits for code compliance.

Developers submit a Site Plan [SP] for approval as part of the building permit. An independent professional 3rd party may need to be engaged to review the SP. As per the developer's proposal, the SP would include the following:

- Grading plan
- Water and sewer lines, offsite if required
- Roads and parking areas
- Building footprints and proposed improvements
- Storm water management plan
- Sediment and erosion control plan
- Offsite road improvements as required.

7. **The Town and the developers sign an agreement regarding any proposed reconfiguration of streets and plats.** The Town remains committed to preserving access to traditional views for the general public, and any proposals must involve substantially equivalent views.