

**Brief Proposal for a Process for the Town of Harpers Ferry to
Review and Approve Zoning and Building Permit Applications
To Be 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 can adapt to both the needs of the Town and the needs of the developers. Since the Town does not have large tracts of undeveloped or unplatted land, the Council has not enacted a subdivision and land development ordinance, normally used by towns to guide those kinds of projects. Instead, the Town relies on a building permit process and a zoning ordinance, reviewed by the Planning Commission, the Landmarks Commission and the Town Council, and guided in principle by the Comprehensive Plan. We propose to use these existing procedures to hear and review the Hilltop Hotel project.

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, slavery, and civil rights. 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 we are also 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, which allows public input and plan revisions while still offering the developers assurances of timely approval of the phases of their project.

1. The developers and the public meet in an interactive, facilitated, community forum, where concepts and approaches are discussed, some consensus is formed, and blind alleys are avoided. Since the project was announced, it has been an almost universal desire of the community to more fully participate in a give-and-take regarding the Hilltop Hotel project. In a good-faith effort to help the developers avoid making proposals that have little community support, we believe that a public forum, mediated, could allow a winnowing of ideas for the project, steering the developers away from ideas with little support from the town and toward ideas with greater support.

2. The developers' Master Plan is submitted to the Town for pre-building permit review [as recommended in 1705.03a]. The Landmarks Commission, Planning Commission, and the Town Council

review the Master Plan informally for conformance with the Town's Comprehensive Plan and compatibility with planning and zoning ordinances, and engage in further dialog with the developers regarding the project. As per the developer's previous process document, the Master Plan 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 *[and paper street proposals]*
- Preliminary review of on site water, sewer and storm water 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]*

3. The Town Council charges the Planning Commission and the Landmarks Commission with an examination of current zoning district definitions to consider possible changes to accommodate the needs of the town as well as the developers. 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 definition. The Planning Commission would conduct a public hearing on possible changes. It takes two Town Council meetings to approve any modifications.

4. The developers submit a rezoning request to the Town for any property they wish to be rezoned, if any. Current rezoning procedures apply: The Town submits the application to the Planning Commission for a change in the zoning map. The Planning Commission reviews the application for conformity to the Comprehensive Plan and makes a recommendation to the Town Council. The Town Council holds a hearing. The Town Council votes. As per the developers' proposal, the application will include:

- Boundary survey of parcels.
- Existing conditions exhibit showing locations of existing buildings, improvements and topographic features.
- Narrative outlining proposed uses
- Comprehensive plan review
- Proposed zoning changes, and reasons for a change

-- Tax and Financial Impact Analysis pertaining to revenues and fees that could be anticipated by Harpers Ferry

5. If the developers determine that any structure is not salvageable, they should apply for a demolition permit at this point. The developers must make a case that reuse of the existing fabric is not possible and submit supporting documentation. The Landmarks Commission 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 Landmarks Commission doing its own study. The Landmarks Commission, Planning Commission, and the Town Council review the demolition permit for compatibility to Town ordinances and CP. The council may require third party engineering evaluation of the documents.

6. The developers submit building permits in accordance with the current ordinances. Review by Landmarks Commission, Planning Commission, and the Town Council for conformity to the Comprehensive Plan, Town ordinances, historic district design compatibility, and conformance with any previous agreements with the developers. Changes are considered by the Landmarks Commission, Planning Commission, and the Town Council, which will meet frequently for this purpose. An independent professional third party may need to be engaged to review the permits for code compliance.

Developers submit a Site Plan for approval as part of the building permit. An independent professional third party may need to be engaged to review the Site Plan. As per the developers' proposal, the Site Plan would include the following:

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

7. If the town agrees that a proposed reconfiguration of streets and plats is in order, the agreement would have to be ratified legally. The Town remains committed to preserving access to traditional views for the general public, and any proposals must involve equivalent views.