

Commissioners say agreements could control project's design

CHARLES TOWN, W.VA.

By **DAVE McMILLION**

charlestown@herald-mail.com

The design of a proposed office building and hotel project near Harpers Ferry National Historical Park could possibly be controlled through the use of proffers, the Jefferson County Commission learned Thursday.

The controversial project — which would involve construction of 2 million square feet of office space and a 150-room hotel off Millville Road — has drawn opposition from some people who say it is too close to Harpers Ferry National Historical Park.

The 410-acre tract known as the Old Standard quarry site was proposed to be annexed into the City of Charles Town, but the Charles Town City Council rejected the request.

Now the developers have proposed the idea to the Jefferson County Commission and want the land rezoned from agricultural use to commercial use to allow the project.

Charles Town Attorney J. Michael Cassell, who is representing the developers, said previously that his clients have agreed not to build homes at the site. Cassell said his clients would be able to guarantee what type of development will occur at the Old Standard site through “contract zoning.”

An attorney for the commissioners has said the developers could build whatever they want on the land if they can convince the commission to rezone the property.

James Casimiro said the design of the project could not be controlled like Cassell says because there is nothing in state law that allows contract zoning.

Cassell returned to the commissioners Thursday and told them that the design could be guaranteed through “proffer” agreements which are allowed in state law.

The proffer agreements could stipulate that the developers will construct the office space and hotel as they have described, that a traffic light will be installed at the intersection of U.S. 340 and Millville Road and that a 1.4-mile public access park along the Shenandoah River will be developed, among other improvements, Cassell said.

The commission has a “full range of remedy” under state law to enforce proffers, Cassell said.

Commissioner Greg Corliss asked Casimiro on Thursday what he thought of Cassell’s comments.

“That’s his position. I don’t think we need to address it yet,” Casimiro said.

Upon further questioning from Corliss, Casimiro said he would look into the matter.

Casimiro said the Jefferson County Planning Commission is expected to discuss the issue Tuesday night.