



# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

P.O. Box 716

Charles Town, WV 25414

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228  
Fax: (304) 728-8126

---

### MEMO

**TO:** County Commission of Jefferson County  
**FROM:** Jennifer M. Brockman, AICP, County Planner  
**DATE:** October 11, 2017  
**RE:** Planning Commission Recommendation regarding Rankin Properties, LLC.  
(File # Z17-03) Zoning Map Amendment Request

---

On Thursday, September 21, 2017, the Jefferson County Commission was presented with a petition for a Zoning Map Amendment by Paul J. Raco Consulting for Rankin Properties, LLC. for a 3.56 acre property located at the NW corner of the intersection of Alternate WV 45/Potomac Farms Road and WV 480/Kearneysville Pike (Shepherdstown (09) Tax District; Map 8; Parcel 8.1) to rezone the property from Residential Growth (RG) to General Commercial (GC). A Public Hearing has been scheduled on this rezoning request for Thursday, October 19, 2017 at 1:30 PM. At the September 21<sup>st</sup> meeting, the County Commission, in accordance with WV Code 8A and the Jefferson County Zoning Ordinance Article 12, referred the petition to the Planning Commission for their review and recommendation as to whether the proposed amendment is consistent with the adopted Comprehensive Plan.

On Tuesday, October 10, 2017 at the Jefferson County Planning Commission meeting, the Planning Commission heard a presentation regarding the Zoning Map Amendment (#Z17-03) petition by the applicant's consultants. Additionally, a staff report was presented which identified relevant portions of the *Envision Jefferson 2035 Comprehensive Plan* for the Planning Commission's consideration and review. This staff report is attached to this memo for the County Commission's information and consideration.

The Planning Commission found, with a 7-0 vote, that the proposed Zoning Map Amendment from Residential Growth to General Commercial is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*. It is located within the Shepherdstown Proposed Growth Area in the *Envision Jefferson 2035 Comprehensive Plan* and is proposed for a mixed residential/commercial development on the Future Land Use Guide.

#### Attachment:

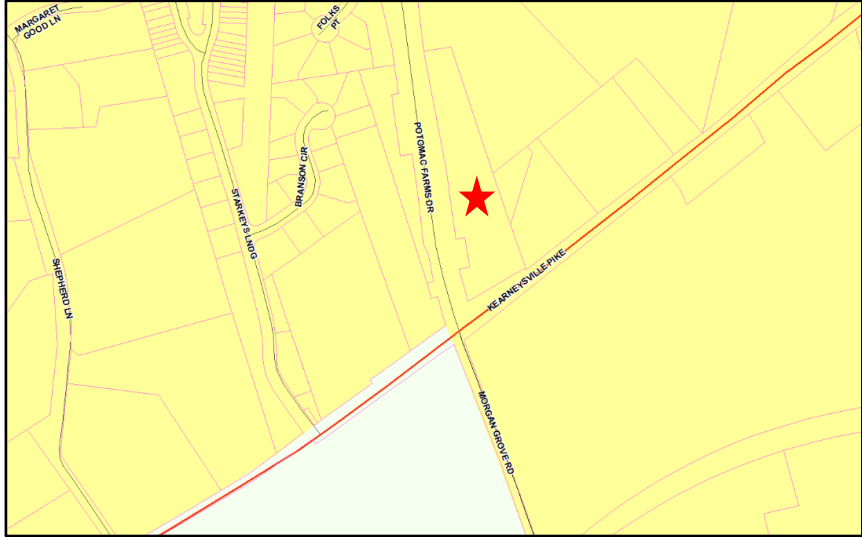
- Staff Report -- Zoning Map Amendment Z17-03 for 10/19/17 County Commission Meeting

# STAFF REPORT

## Jefferson County Commission Meeting

October 19, 2017

- Item # 4** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment request by property owner Rankin Properties, LLC located at the NW corner of Kearneysville Pike and Potomac Farm Drive is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. This 3.56 acre property is currently zoned Residential-Growth (RG), and the applicant is requesting General Commercial (GC) zoning

APPLICANT/OWNER:	Rankin Properties, LLC		
DEVELOPER:	N/A		
APPLICANT REPRESENTATIVE:	P.J. Raco Consulting, LLC Paul J. Raco		
PROPERTY LOCATION:	The property is located at the NW corner of Alternate Route 45/Potomac Farms Road and Kearneysville Pike/Route 480.		
LEGAL DESCRIPTION:	<p>Tax District: Shepherdstown (09), Map: 8, Parcel: 8.1 Zoning Map Designation: Residential Growth</p> 		
SURROUNDING PROPERTIES:	North: Residential Growth East: Residential Growth	South: Rural West: Residential Growth	
LOT AREA:	3.56 acres		
DEVELOPMENT HISTORY:	The subject parcel is currently vacant		
PROPOSED REQUEST	To rezone from Residential Growth (RG) to General Commercial (GC).		
PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .		
STAFF FINDING:	In this report, Staff presents the various factors related to this property based on the Comprehensive Plan. Staff finds that the request is <b><u>consistent</u></b> with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .		

# STAFF REPORT

## Jefferson County Commission Meeting

October 19, 2017

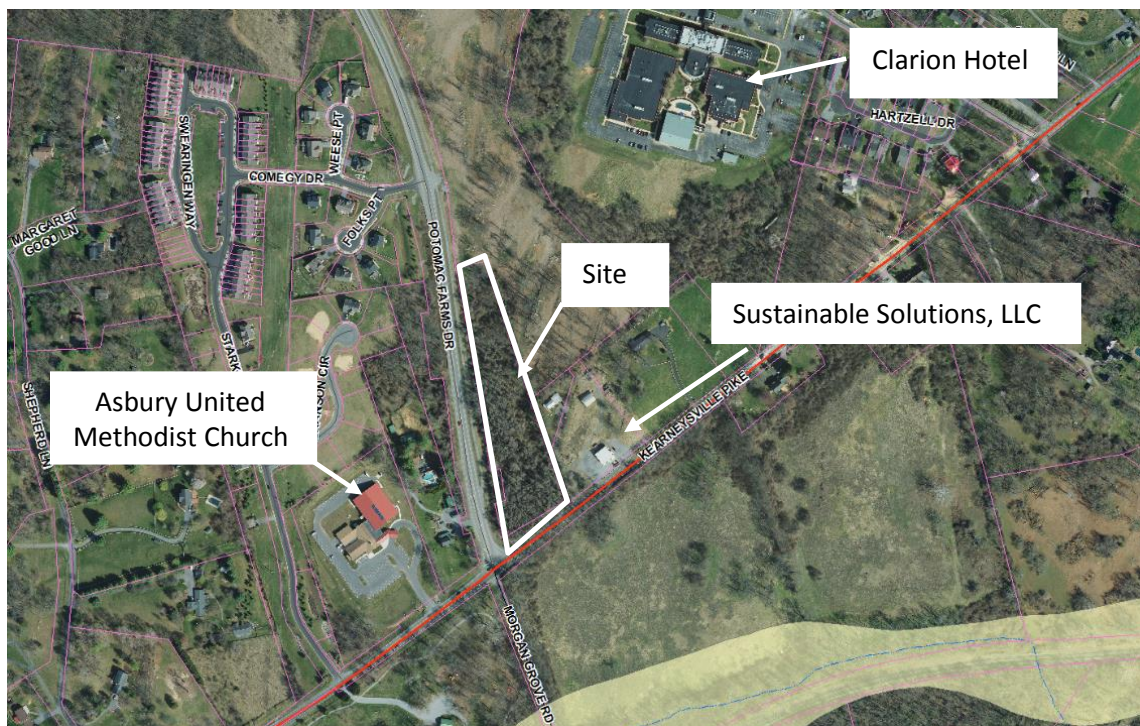
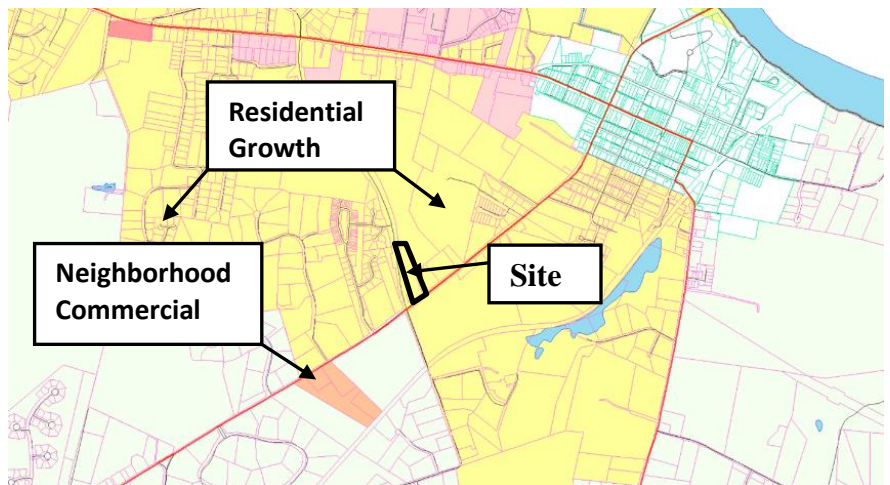
### Applicant's Request

The applicant's request is to have the 3.56 acre parcel located at the NW Corner of the intersection of Alternate WV 45/Potomac Farms and WV 480/Kearneysville Pike rezoned from Residential Growth (RG) to General Commercial (GC). The applicant believes that the construction of Alternate 45/Potomac Farms Road, which provides access to this lot, and the residential and commercial development west and southwest of Shepherdstown, would support the development of commercial uses at this intersection.

### Background and Context for Subject Property

The applicant's property sits on 3.56 acres of wooded vacant land. This property was previously approved for a 24,640 square foot two-story commercial building to accommodate offices and retail space through a Conditional Use Permit, which has subsequently expired. No development has occurred on the site.

All of the parcels that are immediately adjacent to the subject parcels are zoned Residential Growth and are occupied by residential and/or commercial uses. The property northeast of the parcel subject to this request has an approved Conditional Use Permit for a business known as Sustainable Solutions. The Asbury United Methodist Church is approximately 320 feet to the southwest across Alternate WV 45.



# STAFF REPORT

## Jefferson County Commission Meeting

October 19, 2017

### **Statutory Authority and Requirements**

The West Virginia State Code, Section 8A-7-9, and Article 12 of the Jefferson County Zoning and Land Development Ordinance detail the process by which boundaries of zoning districts may be amended in response to a petition of 50% or more of the property owners. On September 21, 2017, the applicant presented their zoning map amendment petition to the County Commission. The County Commission scheduled the required Public Hearing for October 19, 2017 and referred the application to the Planning Commission for their recommendation.

Both WV Code and the Zoning Ordinance state that before amending the Zoning Ordinance text or map, “the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan”, or if it is inconsistent, “then the governing body with the advice of the Planning Commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area[See WVC 8A-7-9(c)].”

The Zoning Ordinance further states that the applicant should include discussion of any change of transportation characteristics and neighborhood from when the original zoning was established for the Planning Commission to take into consideration. This information is included in the application.

### **Scope of this Assessment**

Due to the requirements noted above, this report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan* and provides a staff recommendation for the Planning Commission’s consideration based on relevant sections and elements of the *Plan*. Staff’s professional recommendation is that the request is consistent with the *Envision Jefferson 2035 Comprehensive Plan* because of its location within the County-designated Preferred Growth Area in the immediate vicinity of Shepherdstown and its designation on the Future Land Use Guide as Future Mixed Use Residential/Commercial Land Use. The Planning Commission is required to provide the County Commission with their advice as to whether they also make this finding prior to the County Commission’s Public Hearing. It should be noted that Staff has no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the only authority to approve or deny a zoning map amendment request.

### **Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary**

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

#### **A. Land Use and Growth Management Element: Shepherdstown Preferred Growth Area (PGA)**

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17).



# STAFF REPORT

## Jefferson County Commission Meeting

October 19, 2017

The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of the *2035 Plan*; and Rural/Agricultural Areas and Villages, where limited development is possible but is not intended for urban-scale development. (p. 17)

In 2014, Shepherdstown adopted a Growth Management Boundary (GMB), which meets the WV code definition of a UGB and which is planned to have growth around the existing core of Shepherdstown and less intense development at the edges of the GMB. While this larger growth and annexation area is recommended in the Shepherdstown 2014 Comprehensive Plan, the *Envision Jefferson 2035 Comprehensive Plan* recognizes a smaller PGA to the southwest of the Shepherdstown core and the existing County zoning if it remains in the unincorporated area. (p.19)

The *Envision Jefferson 2035 Comprehensive Plan* states that the Shepherdstown PGA is “defined predominately by existing residential and commercial development, existing zoning, and access to water and sewer services. It encompasses an area broadly described as properties on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480 including land on either side of Potomac Farms Road. This area is included within Shepherdstown’s Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area.” (pp. 20-21)

The property included in this petition is inside the boundaries of the *2035 Plan*’s Shepherdstown PGA and therefore intended for eventual urban-level development intensity. If this rezoning is approved, the applicant is encouraged to coordinate and collaborate with the Corporation of Shepherdstown to determine when public water and wastewater treatment may be available so this property can develop to the anticipated urban-level intensity.

### **B. Future Land Use Guide/Shepherdstown PGA Map**

The property which is a part of this Zoning Map Amendment request is shown on the Future Land Use Guide and the Shepherdstown Preferred Growth Area Map (shown below; p. 220) as Future Mixed Use Residential/Commercial.

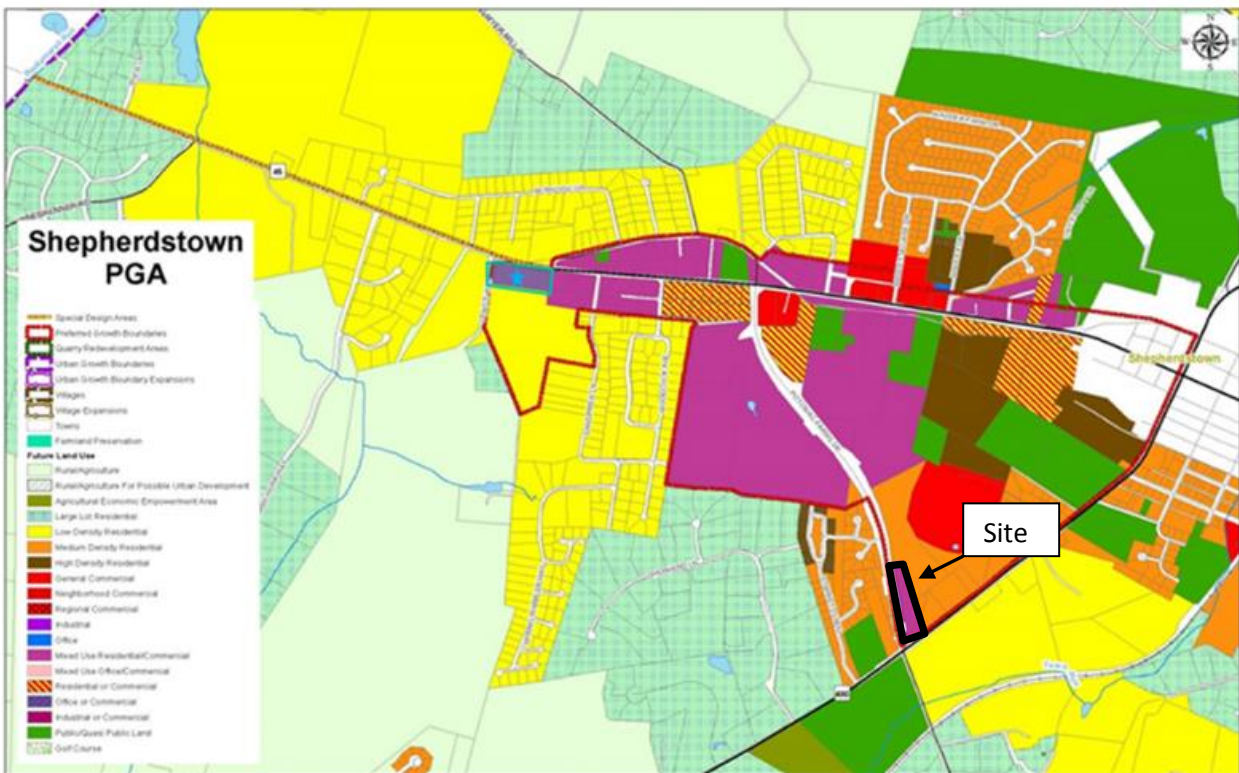
Appendix G of the *Envision Jefferson 2035 Comprehensive Plan* provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts. (p. 235)

Appendix G states that the intent of the Mixed Use Residential/ Commercial land use category is to reflect areas which are intended to support the mixing of residential and commercial uses. The Plan states that this land use classification should result in the creation of a new zoning district that would permit this activity, with a mandatory mix of uses to be determined through the zoning text amendment process. The only zoning district which currently exists and requires such a mix is the Planned Neighborhood Development (PND) District. (pp. 237)

# STAFF REPORT

## Jefferson County Commission Meeting

October 19, 2017



The property that is included in this rezoning request was incorporated into the Shepherdstown Preferred Growth Area based on the relationship to the road network and potential public water and wastewater service areas. The recommended Mixed Use Residential/ Commercial land use category reflected a previously approved Conditional Use Permit, the location at a major intersection of two state roads, controlled access to a four lane highway and the potential to provide services to the existing and/or approved residential in the area. While rezoning to the requested General Commercial does not create a mixed residential/commercial use development on this 3.56 acre parcel, it does permit the development of a commercial or office development which will complement and be integrated with adjoining residential developments in this quadrant of the PGA.

### C. Proposed Zoning District – General Commercial (GC):

The General Commercial (GC) Zoning District (Section 5.12) was a part of the commercial zoning districts approved by the County Commission in May 2014. The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in the ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the Neighborhood Commercial District, which is the zoning of the Morgan Grove Market property nearby.

This zoning category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the *Envision Jefferson 2035 Comprehensive Plan*. The GC District includes numerous Principal Permitted and Conditional Uses listed in Appendix C (attached). Residential uses are not permitted in the GC zoning category. The

# STAFF REPORT

## Jefferson County Commission Meeting

October 19, 2017

Principal Permitted uses include numerous Institutional Uses, some Industrial Uses, commercial uses and agricultural uses.

As noted previously, the parcel included in this proposal is inside the boundaries of the *2035 Plan's* Shepherdstown PGA and shown for a mixture of commercial and residential uses. While General Commercial can develop structures that are fairly large, the limited size of this property and the relationship to the four-lane road and multiple existing and/or approved residential developments should allow a commercial development that is compatible with the intent of the *Envision Jefferson 2035 Comprehensive Plan*.

### **Staff Recommendation**

Staff finds the proposed rezoning is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*. It is located within the identified Shepherdstown Preferred Growth Area in the *Envision Jefferson 2035 Plan* and is proposed for a mixture of residential and commercial development on the Future Land Use Guide. The applicant has indicated the intent to integrate the proposed commercial development with existing and approved future residential development on adjoining properties and in the surrounding area.

### **Planning Commission Action Required**

Article 12 of the Zoning Ordinance and the relevant sections of WV State Code requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted Comprehensive Plan. Such recommendation is required to be sent to the County Commission prior to the County Commission's public hearing which shall be held within 60 days of the date the petition is presented.

The County Commission has scheduled the required Public Hearing for October 19, 2017 at 1:30 PM. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this Hearing.

### **Attachments:**

- Portion of Appendix C – General Commercial District