



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number: 21-1-Z

Staff Initials: jth / AB

Application Fee: \$ \$1,150

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

Property owner information

Name: Guy Chicchirichi
Mailing Address: 1316 N. Mildred Street; Ranson, WV 25438
Phone Number: 304-279-0556 Email: gchicc@frontiernet.com

Applicant contact information

Name: Sheetz Inc; Bob Franks
Mailing Address: 5700 Sixth Avenue; Altoona, PA 16602
Phone Number: 814-935-4798 Email: bfranks@sheetz.com

Applicant representative

Name: GORDON; Chad Wallen
Mailing Address: 148 S. Queen Street, Suite 201; Martinsburg, WV 25401
Phone Number: 304-725-8456 Email: cwallen@gordon.us.com

Physical property details

Physical Address: Northeast of Augustine Avenue / Route 340 intersection
City: Charles Town State: WV Zip Code: 25443
Tax District: 02 - Charles Town Map No: 16 Parcel No: Portion of #1
Parcel Size: 2.5 acres to be rezoned Deed Book: 1227 Page No: 447

Current Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/ Commercial Mixed-Use (O/C)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Place Received Date Stamp Here

Proposed Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Commercial (GC)	Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/ Commercial Mixed-Use (O/C)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.

See Attached

Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

See Attached

Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.

See Attached

Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?



Yes, I request that the Planning and Zoning Staff present the petition



No, I prefer to present the petition

Plat or Sketch Plan (provide as an attachment to this application)

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

Is Plat or Sketch Plan attached?

Yes



No

Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).

DocuSigned by:

Guy Chicchirichi

1/6/2021

A38FB83725704FF...

Signature of Property Owner

Date

Signature of Property Owner

Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

*Recommended**Not Recommended*

The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

*Approved**Disapproved***Final Determination/Other Comments**

Zoning Map Amendment Application Addendum

Augustine Avenue Sheetz

January 19, 2021

Owner:

Guy Chicchirichi
1316 N. Mildred St
Ranson, WV 25438

Applicant:

Sheetz Inc; Bob Franks
5700 Sixth Avenue
Altoona, PA 16602

Property Tax Identification:

Charles Town District (9), Map Number 16, Portion (2.5 acres) of Parcel 1. A subdivision will be processed to divide the area of rezoning into its own parcel.

Deed Information:

Deed Book 1227, Page Number 447

Property Characteristics:

Location: Northeast of the Augustine Avenue and Berryville Pike (Route 340).

Current Zoning: Rural

Current / Historic Use: Vacant / Agricultural

Tract Size: 4.4+/- Acres

Area of Rezoning: 2.5+/- Acres

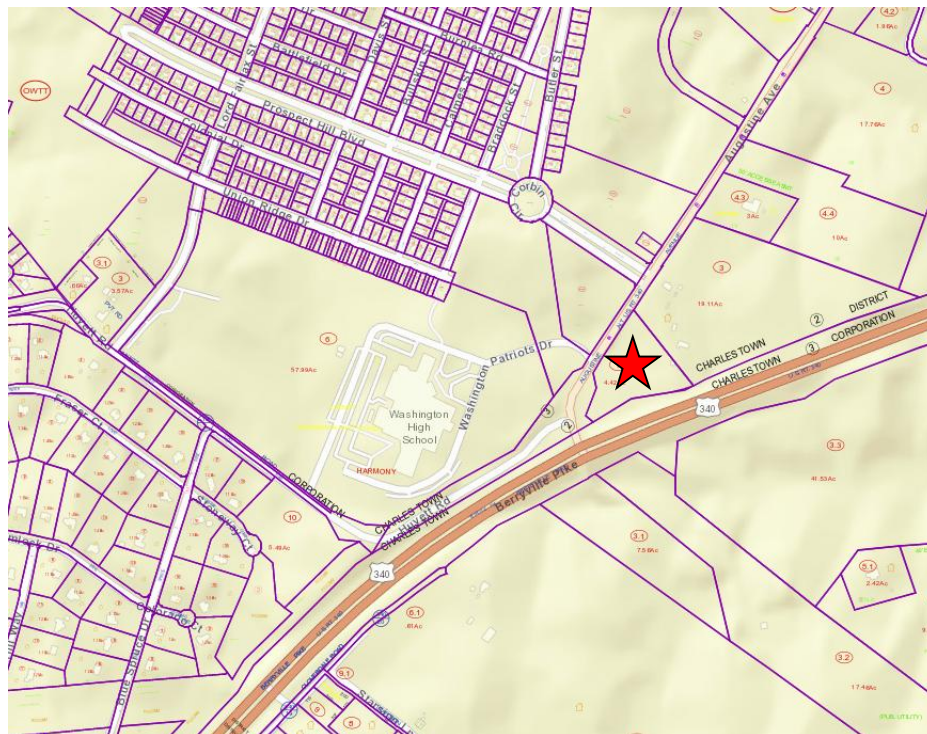
<p><u>Table of Exhibits</u></p> <ol style="list-style-type: none">1. Vicinity Map2. Aerial Overlay3. Existing Conditions4. Concept Plan
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Substantiation for Request

1. Provide commercial services to a growing area of the County. There are multiple subdivisions representing hundreds of homes within a one-mile radius including: Huntfield, Spruce Hill, Cloverdale Heights, Cave Quarter Estates, and Washington Landing Apartments (under construction, 250+ units). There are no commercial uses within this one-mile radius. Residents currently travel to Charles Town, Ranson or commercial establishments along Route 340/Somerset Blvd. for all goods and services. Providing a commercial use to this neighborhood would reduce traffic along these corridors and provide a commercial service to the south end of Augustine Avenue.



2. The current zoning designation as Rural provides limited options for by-right commercial development. A zoning map amendment is required to allow commercial development. The property is located in an area of growing residential development and will provide a needed food and fueling services. The Highway Commercial zone is appropriate due to the property's location adjacent to a Principal Arterial road.
3. This Sheetz will support travelers on the Route 340 corridor. The subject parcel will provide travelers an easy access for refueling, restrooms, food, and other goods. Similar establishments along the Route 340/9 corridor require patrons to navigate both Collector and Local roads, increasing congestion of the County's road network.
4. No burden would be placed on existing public infrastructure with this rezoning. Water and sanitary sewer will be extended and connect to CTUB's system along Augustine Avenue. There is existing capacity within CTUB's systems, and the cost of extension will be the Applicants responsibility and not the public. As a commercial development, no additional burdens will be placed on the school system or other County facilities.



Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.

The proposed use includes the development of a Sheetz store (Zoning Use: Gas Station, Large). The development will include a 6,100+/- sq. ft. building, six fueling islands (12 pumps), drive thru and associated infrastructure improvements.

The proposed commercial development of the property is not a permitted use in the current Rural district. The preferred use as a Sheetz convenience store is justified under the Substantiation for Request section of this document.

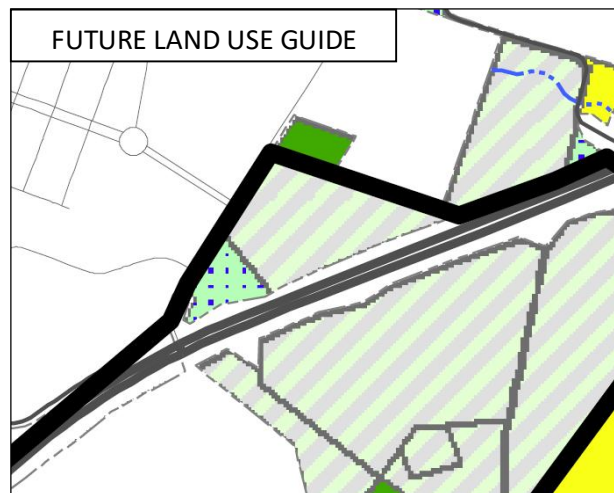






Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan (the Plan).

- Urban Level Development Recommendations (Goal 1.2.a, Page 30): Economic Well Being of the County
 - The proposed commercial development will expand the County's commercial real estate tax base.
- Finance Recommendations (Goal 24.1, Page 141): Develop policies that result in a well-balanced tax base that is not overly reliant on residential taxes, but is diversified by the presence of a robust commercial and industrial tax base.
 - The property will contribute to the commercial tax base of the County.
- Urban Level Development Recommendations (Goal 1.2.b, Page 30): Error or Under Scrutinized Property on the Future Land Use Guide
 - The Land Use Guide identifies the property within the Charles Town Urban Growth Boundary which identifies property suitable for urban development. Designation on the same map as Large Lot Residential conflicts with itself.
 - The property was not located in the Comprehensive Plans' 2004 Growth Area. The Charles Town Urban Growth Boundary was expanded with the current Comprehensive Plan to include the subject property and areas south of Route 340. The Future Land use Guide was not updated to reflect this expansion.
 - This property is the only undeveloped parcel in the entire Charles Town Urban Growth Boundary designated as Large Lot Residential on the Future Land Use Guide. All other areas designated as Large Lot Residential include an existing residence and/or associated accessory use.
 - All land adjacent to the property is designated as municipal land or land for potential urban development. The subject property is the sole parcel in the immediate area with limited density and use.

- Future Land Use Guide

- The property's designation a Large Lot Residential is not in character with surrounding properties or other parts of the Comprehensive Plan, such as the Urban Growth Boundary.
- The property is surrounded by the City of Charles Town and land designated as Potential Urban Development. Municipal land is located to the north and west, Route 340 to the south and land designated for "Possible Urban Development" to the east and south. These future adjacent uses recognize this areas development potential which does not include Large Lot Residential.
- While the reason for the Large Lot Residential designation is not clear, it is assumed this future use was influenced by the existing zoning classification as Rural, availability of utilities or its location in a once underdeveloped area of the County. The Comprehensive Plans Future Land Use Guide fails to account for the construction of Route 340, Jefferson High School, Huntfield and associated extension of utilities along the Augustine Avenue corridor.

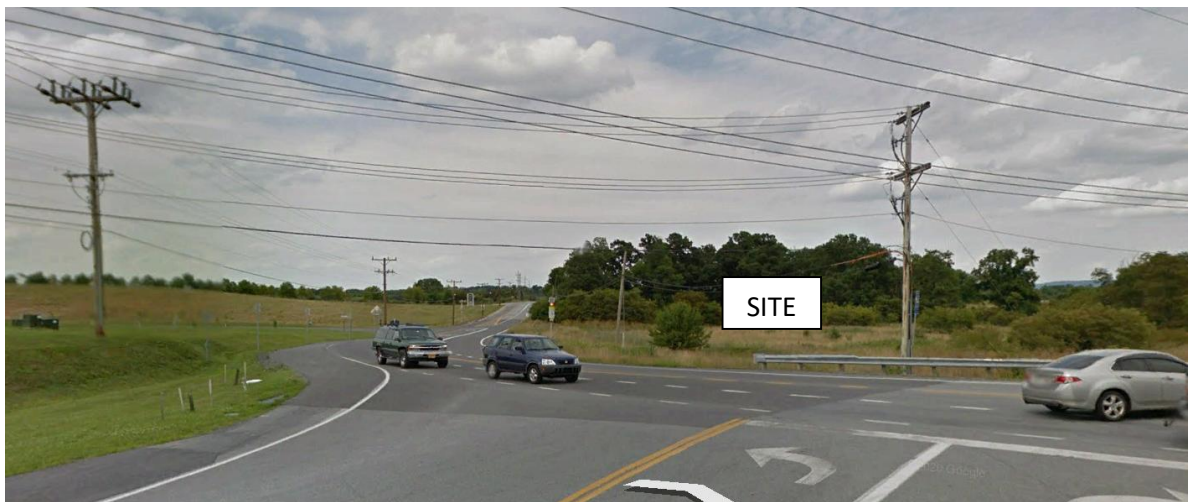


	City of Charles Town
	Rural/Agriculture For Possible Urban Development
	Large Lot Residential
	Public/Quasi Public Land

Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.

- Transportation Characteristics – Substantial development of the immediate and regional road network. The Route 340 highway was constructed after the adoption of the Zoning Ordinance. Route 340 is one of three Principal Arterial roads in the County and represents one of the most significant transportation improvements in Jefferson County. The adjacent 340 corridor supports the proposed use and development as a gas station will service the needs of Route 340 travelers.
- Transportation Characteristics – Future improvements for Route 340 to the Virginia line. The future realignment and expansion to 4 lanes by WVDOH signifies the importance of this corridor and the County's transportation network. The traffic along this corridor promotes adjacent development and viability of commercial uses. Sheetz will provide services which cater to both the immediate neighborhood and Route 340.
- Transportation Characteristics – Adjacency to the Augustine Avenue / Route 340 intersection. As a significant part of the County's roads system, the site's proximity to this signalized intersection is crucial to the development of the south end of Augustine Avenue. The applicant has been in contact with WVDOH, HEMPO, City of Charles Town and Jefferson County BOE Transportation Division to assist in developing the scope for a traffic study. The traffic study is underway, and discussions will continue with approval agencies, including the Jefferson County Planning Commission, throughout the develop process. Access to Augustine Avenue will require approval by the WVDOH prior to construction.
- Neighborhood Characteristics – The ongoing development along the south end of Augustine Avenue lacks commercial services. The south end of Augustine Avenue has seen substantial development since the adoption of the ordinance. This development includes Huntfield, Spruce Hill (north & south), and Jefferson High School. Washington Landing, a 250+ apartment complex is also under construction. There are currently no commercial uses in the immediate area to serve these developments and residents must drive into Charles Town or use Route 340 to obtain services. The addition of Sheetz will

help reduce the traffic along these corridors through providing services to an underserved area of the County.

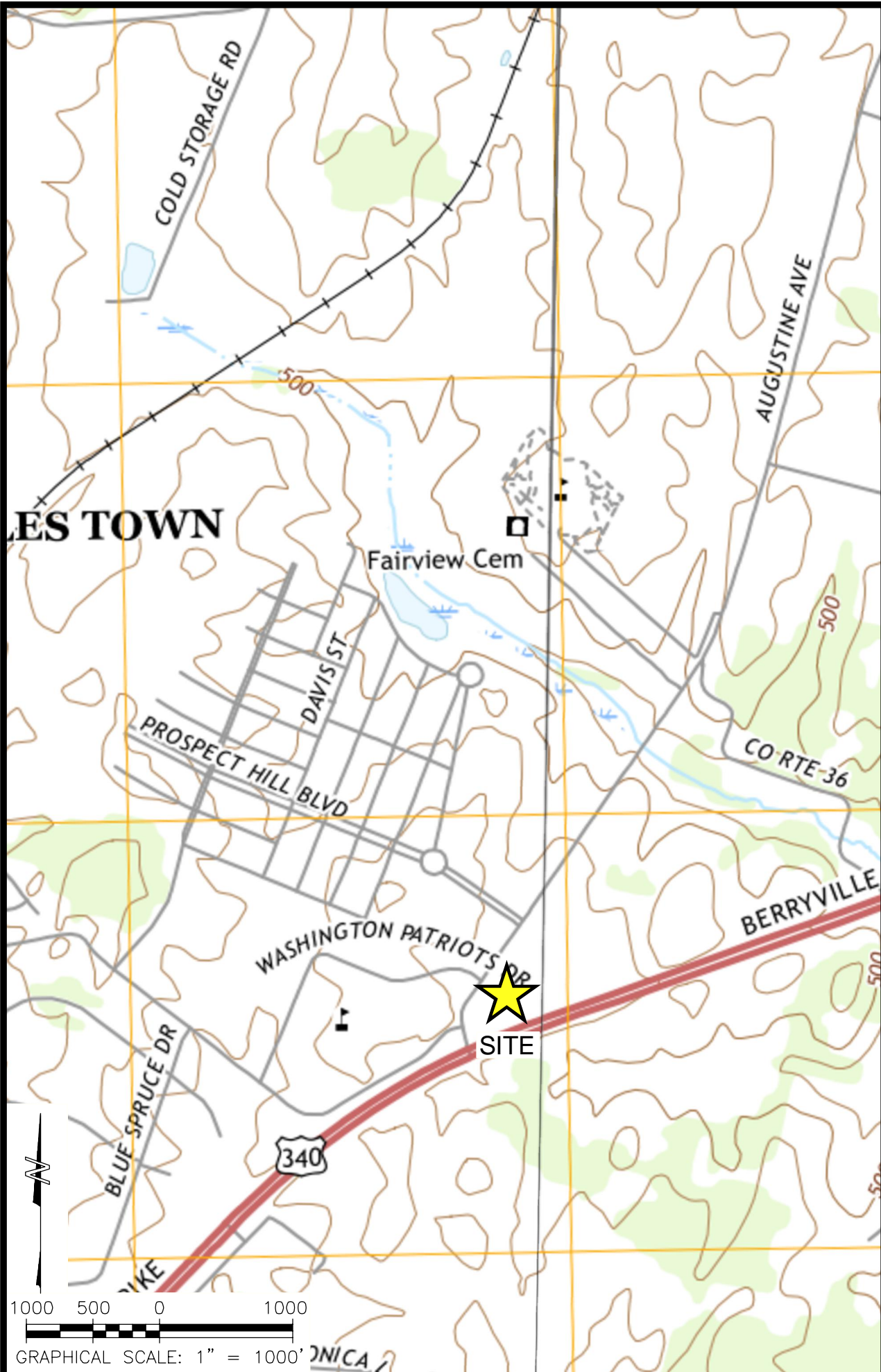


ZONING MAP AMENDMENT EXHIBIT 1 - VICINITY MAP

01-19-2021

AUGUSTINE SHEETZ
JEFFERSON COUNTY, WV

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ZONING MAP AMENDMENT EXHIBIT 2 - AERIAL OVERLAY

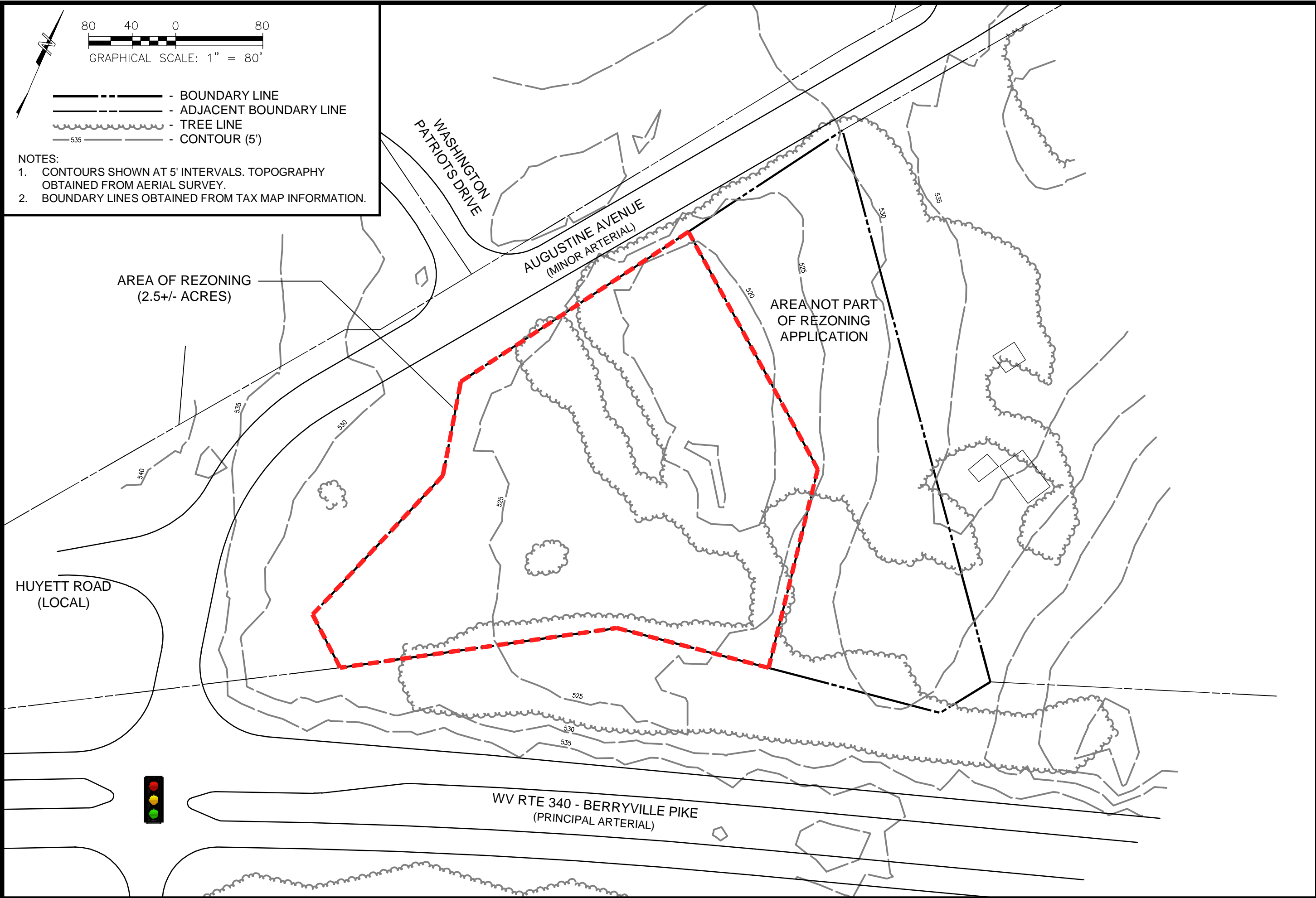
01-19-2021

AUGUSTINE SHEETZ
JEFFERSON COUNTY, WV

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