



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

File Number: 220-01-7

Staff Initials: AB

Application Fee: \$ 1300-

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: Van Evera James W III Et Al
Mailing Address: 7948 Martinsburg Pike; Shepherdstown, WV 25443
Phone Number: _____ Email: _____

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 St, Suite 201; Martinsburg, WV 25401
Phone Number: 304-725-8456 Email: cwallen@gordon.us.com

Physical property details

Physical Address: 7948 Martinsburg Pike;
City: Shepherdstown State: WV Zip Code: 25443
Tax District: 9 - Shepherdstown District Map No: 8 Parcel No: 10.2, 13, 14, 15.2
Parcel Size: 5.4+/- Acres Deed Book: 1074 Page No: 306

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Office/ Commercial Mixed-Use (O/C)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED

OCT 21 2020

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

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 checked="" 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 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).

Linda MUE Healey, Trustee for Linda Healey Living Trust 10/9/20

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

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

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Is Plat or Sketch Plan attached?

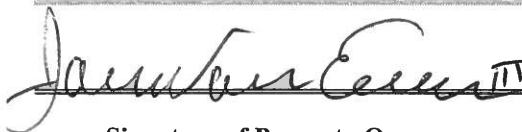


Yes



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).

 10/9/2020

Signature of Property Owner

Date

Signature of Property Owner

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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).

Carol A. Van Evera - Co-trustee - Jesse R. Van Evera Trust - 10/10/20

Signature of Property Owner

Date

Signature of Property Owner Date

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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

Sheetz Store 160 Rezoning

October 9, 2020

Owner:

Van Evera James W III Et Al
7948 Martinsburg Pike
Shepherdstown, WV 25443

Applicant:

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

Property Tax Identification:

Shepherdstown District (9), Map Number 8, Parcel 13, 15.2 and portions of Parcels 10.2 & 14. A boundary line adjustment will be processed to consolidate the area of rezoning into a single parcel.

Deed Information:

Deed Book 1074, Page Number 306

Property Characteristics:

Location: South of the Martinsburg Pike (Rte. 45) & Maddex Square Dr. intersection.

Current Zoning: Residential Growth

Current / Historic Use: Residential

Tract Size: 23.48+/- Acres

Area of Rezoning: 5.4+/- Acres

<u>Table of Exhibits</u>
1. Vicinity Map
2. Aerial Overlay
3. Existing Conditions Map
4. Concept Plan

Substantiation for Request

1. **Commercial use is the appropriate and best use of the property.** Surrounding properties are commercial uses and the property has frontage on Martinsburg Pike (Route 45), identified as a Minor Arterial in the Comprehensive Plan.
2. **The current zoning designation as Residential Growth (RG) district 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 dominated by commercial uses and residential development would not be in character with the immediate area.

3. **The property's commercial use is consistent with surrounding commercial development.** Adjacent properties include an Erie Insurance offices, Jefferson Securities Bank, Rite Aid Pharmacy and Maddex Square commercial center (Food Lion, Dairy Queen, McDonalds and multiple in-line retail stores). There are no residential units adjacent to the area of rezoning.



4. **The existing signalized intersection provides value to commercial development.** The property will be accessed through an existing signalized intersection on Martinsburg Pike (Rte. 45). Use of this existing asset will not result in an additional intersection, which typically occurs with development. The owner will work with WVDOH to provide any necessary upgrades to the intersection/signal.
5. **No burden would be placed on existing public infrastructure with this rezoning.** The property is located near existing utilities and will not create additional needs 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 6,000+/- sq. ft. building, car wash, five fueling islands (10 pumps), drive thru and associated infrastructure improvements.

A text amendment is currently under review to allow a drive-thru in the Residential-Light Industrial-Commercial (RLIC) zoning district. The drive thru will not be provided should the text amendment be denied.

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

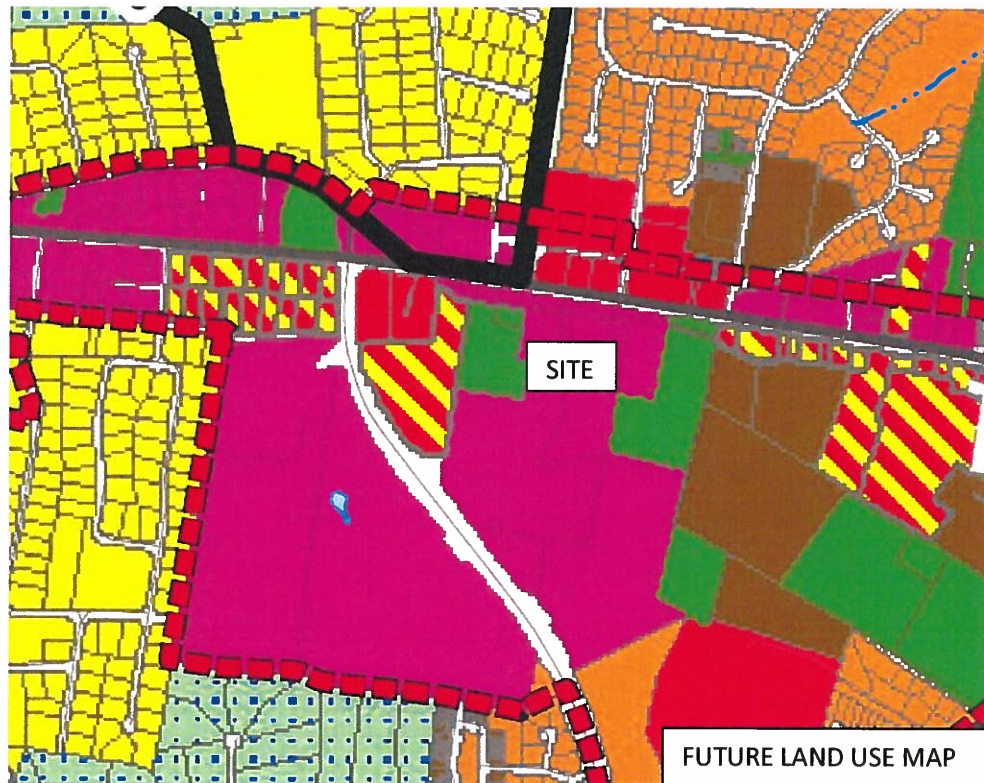


Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan (the Plan).

- **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.
- **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 recognizes the property as an area of mixed-use, but the current Zoning designation of Residential Growth does not permit commercial uses by right. Allowing commercial development adjacent to Route 45 will recognize the Land Use Guides vision for the property.
- **Urban Level Development Recommendations (Goal 1.13.b, Page 33): Require that an additional setback from the road right-of-way (Rte. 45) be set aside to allow for a roadway widening improvement easement, a pedestrian easement to include a hard surface trail, a landscaping strip wide enough to support large canopy trees, and the subsequent start of the development.**
 - An additional 10' setback / easement will be provided along Route 45.
- **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.
- **Future Land Use Guide**
 - Provides a land use classification of Mixed Use Residential/Commercial. The portion of the property subject to this rezoning will be commercial. The balance of the property will remain in the Residential Growth district and is anticipated that future development will include residential uses. The proposed zoning will provide a mix of uses that is consistent with the Comprehensive Plans vision. The Comprehensive Plan states on page 26 that "Land Use Classifications are

intended to provide guidance to the Planning Commissions when considering owner initiated zoning map amendments”

- The property is designated as a Preferred Growth Area by the Comprehensive Plans Future Land Use Guide. This demonstrates the Comprehensive Plans development expectations for the property.



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 - The property is served by direct access from a Minor Arterial road (Martinsburg Pike / WV RTE. 45).** As with most corridors, traffic increases over time as more development occurs. The recognition of Martinsburg Pike as a Minor Arterial by the Plan recognizes this road as regional route.
- **Transportation Characteristics - As required with any property, an entrance permit from the West Virginia Department of Transportation (WVDOT) will be needed.** Obtaining an entrance permit requires the review by the WVDOT to ensure that safe and adequate access can be provided. It is anticipated that improvements to the traffic signal and intersection will be requested by WVDOT.
- **Changes Since the Original Adoption of the Zoning Ordinance (1988) – Substantial commercial development has occurred in the immediate area.** Maddex Square and Jefferson Securities Bank did not exist when the current Zoning Ordinance was adopted. The development of this area provided a traffic signal and turn lanes in front of the subject property. The improvements to this section of Martinsburg Pike were provided to accommodate commercial development and growing population.
- **Changes Since the Original Adoption of the Zoning Ordinance (1988) – Construction of Potomac Farms Drive.** The addition of this road provided additional connectivity in the area. It is anticipated that the proposed entrance road will extend from Martinsburg Pike to Potomac Farms Drive with future development, improving the existing road network.

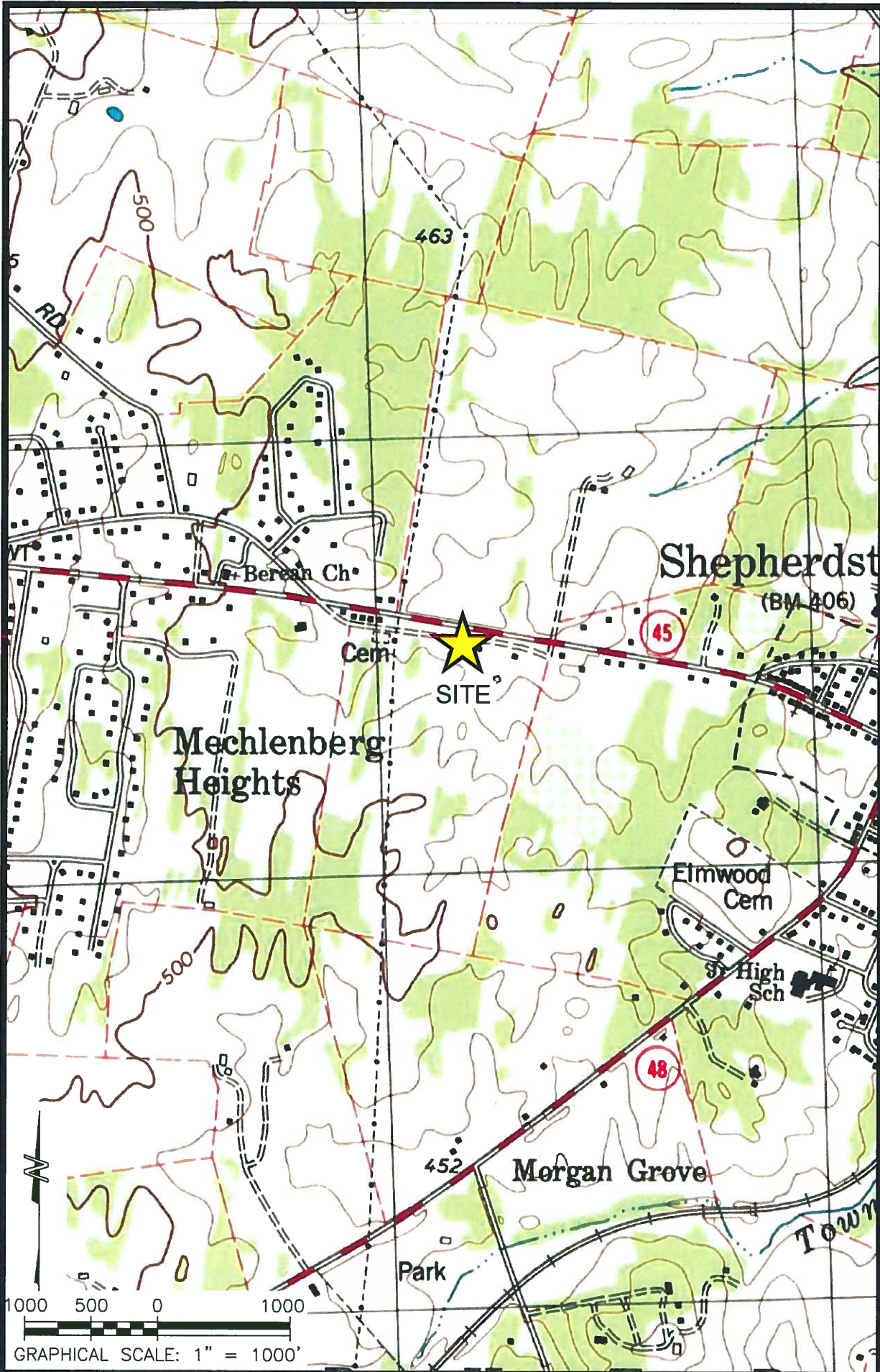


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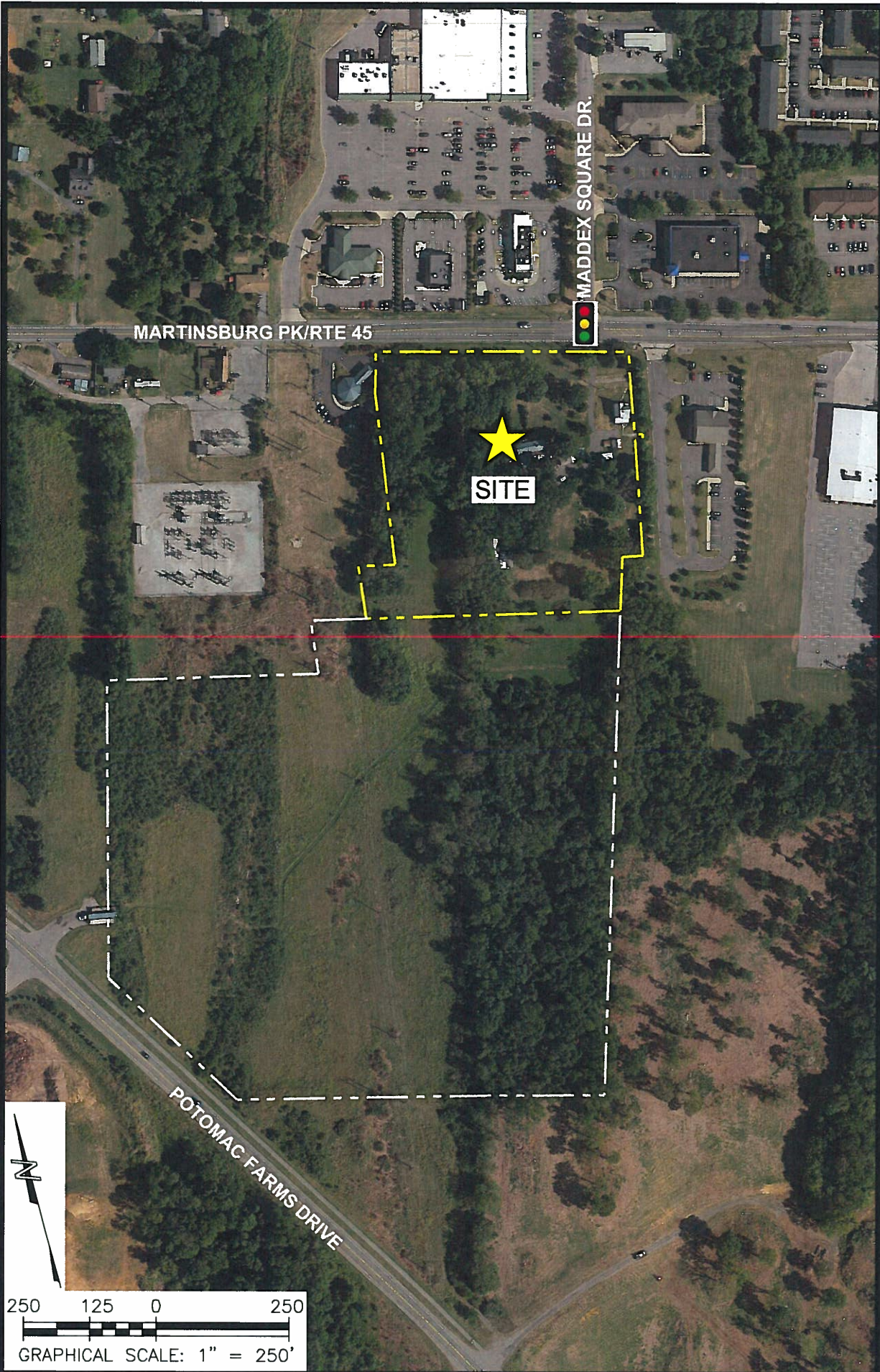
ZONING MAP AMENDMENT EXHIBIT 1 - VICINITY MAP

10-09-2020

SHEETZ STORE 160
JEFFERSON COUNTY, WV



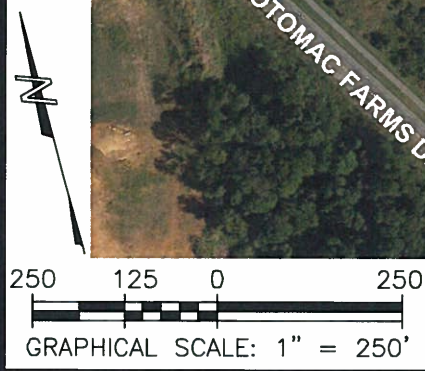
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ZONING MAP AMENDMENT EXHIBIT 2 - AERIAL OVERLAY

10-09-2020

SHEETZ STORE 160
JEFFERSON COUNTY, WV

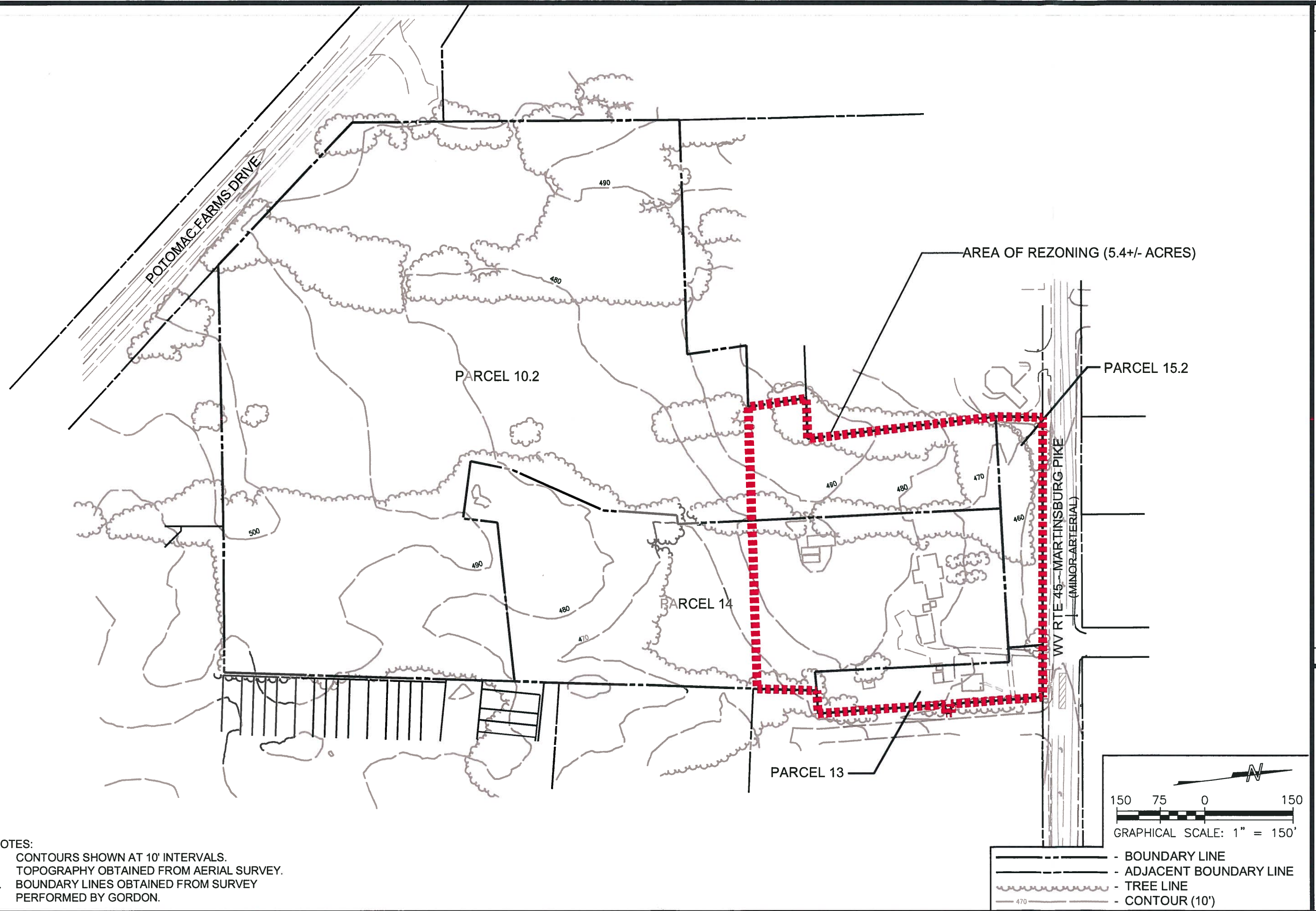


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ZONING MAP AMENDMENT
EXHIBIT 3 - EXISTING CONDITIONS MAP

10-09-2020

SHEETZ STORE 160
JEFFERSON COUNTY, WV



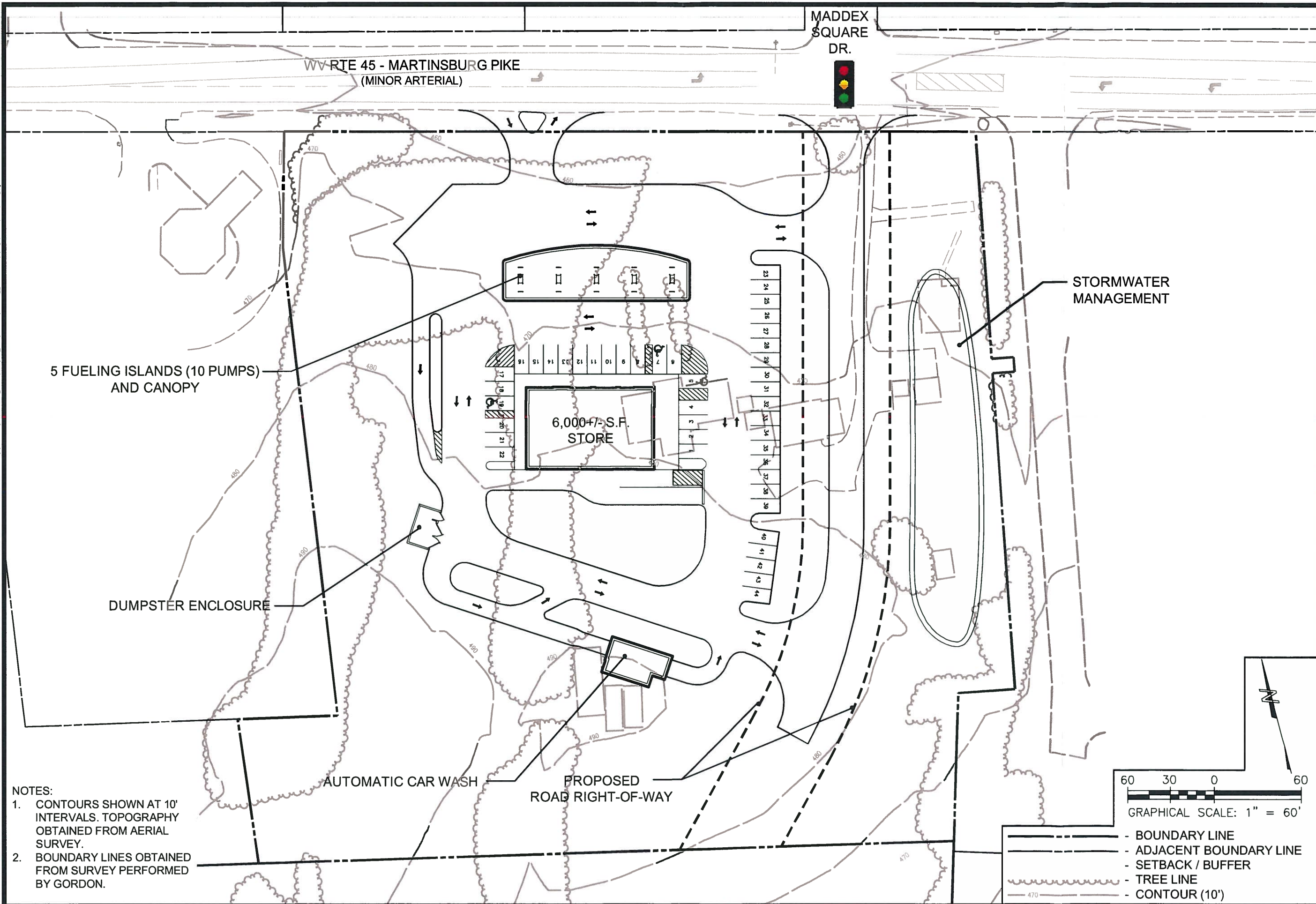
- NOTES:
1. CONTOURS SHOWN AT 10' INTERVALS.
TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.
 2. BOUNDARY LINES OBTAINED FROM SURVEY
PERFORMED BY GORDON.

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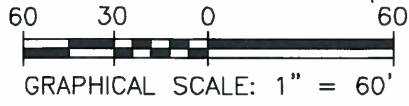
ZONING MAP AMENDMENT
EXHIBIT 4 - CONCEPT PLAN

10-09-2020

SHEETZ STORE 160
JEFFERSON COUNTY, WV



- NOTES:
1. CONTOURS SHOWN AT 10' INTERVALS. TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.
 2. BOUNDARY LINES OBTAINED FROM SURVEY PERFORMED BY GORDON.



- BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- SETBACK / BUFFER
- TREE LINE
- CONTOUR (10')