

Agenda Request Data

Twin Oaks Subdivision, LLC
at
Morgan's Grove Market

June 11, 2015

Jefferson County Commission
PO Box 250
124 East Washington Street
Charles Town, WV 25414

Subject: Zoning Ordinance Amendment by Petition (Agenda Request)

Commissioners,

The undersigned owner(s) of land identified as Shepherdstown District; Tax Map 13 parcels 26.1, parcel 26.2, parcel 26.3 and parcel 26.4 requests a zoning map amendment. This request is being made through the procedures identified in WV Code 8A-1-1, 8A-7-9 and JC Zoning Ordinance Article 12 Section 21.1 and 12.3.

The purpose of the amendment is a change in designation of the subject property from the current designation as "Rural District" to "Neighborhood Commercial (NC) District".

Narrative of substantiation for this request:

The property included in this request has been in continuous commercial use since 1968. The subject property is an island surrounded by suburban residential development. Placing a neighborhood commercial zoning designation will accomplish several Comprehensive Plan goals. One of those would be to turn suburban sprawl into a mixed use community. Commercial and Residential development would be limited in scope while local jobs, commercial opportunities and neighborhood retail needs could be enhanced.

A case could be made that the requested zoning classification could have been updated to limited commercial use when the property was first zoned. At a minimum, it could have been rezoned during subsequent zoning map amendments initiated by the County Commission.

Uses have included a restaurant, approved plans for high density mixed use development and commercial activities including Farm markets, community events and a community garden. The property is currently approved for an array of limited commercial uses. They are listed in the current conditional use permit. All of these activities have received both local government and community support.

Economic development and commercial investment depend on predictability. In order for this property to continue attempts to fill local community needs it is imperative that the regulations regarding permitted use of the property be firm and understood. Site development planning and community participation are not possible if every potential future use must be approved one piece

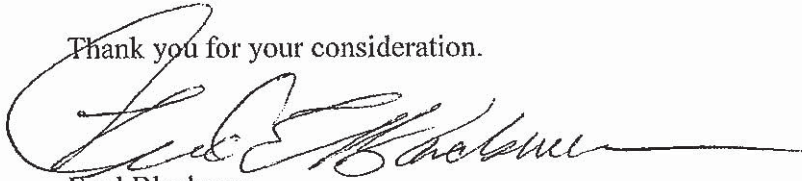
at a time. It is much more efficient and beneficial for property development and public participation to have firm plans that can be evaluated, regulated and approved.

Current plans for the property are based on previous experience and current social-economic trends. Those plans include up to 60,000 square feet of commercial-retail space. The space would be in one or more individual structures. Negotiations for various operators of that space are in progress. The major theme of development will continue to be in support of the agricultural industry and health initiatives of Jefferson County. Providing facilities for entrepreneurs, small local retail and professional services is a priority.

Applicant is confident that this zoning district will prove that all the time and effort spent to create new districts was not wasted. The very issues that this specific property faced in previous zoning requests and subsequent conditional use permit process prompted the County Commission and Planning Departments to create new district options. This specific property is shown on the recently approved future land use map and the comprehensive plan speaks to scaled commercial uses at that location.

This next step in developing the property and a community partnership cannot move forward without the predictability of the requested Zoning Amendment.

Thank you for your consideration.



Fred Blackmer
MGM Application and Government Affairs consultant

for

original signature required

Peter S. Corum *

Property Owner

*(Member of Twin Oaks Subdivision, LLC)

original signature required

J. Edward Slonaker *

Property Owner

Copy of complete Landowner Petition will be submitted to Jefferson County Commission and County Clerk June 18, 2015 (per WVC 8A-7-9 (a))



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338

Charles Town, WV 25414

Agenda Request Data

File Number: _____

Staff Initials: _____

Application Fee: \$ _____

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

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

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: Twin Oaks Subdivision, LLC
Mailing Address: PO Box 536 Shepherdstown WV 25443
Phone Number: 304.536.3743 Email: petercorum@gmail.com

Applicant contact information

Name: Peter Corum
Mailing Address: PO Box 536 Shepherdstown WV 25443
Phone Number: 304.283.2467 Email: petercorum@gmail.com

Applicant representative

Name: Fred Blackmer
Mailing Address: 9628 Moncove Lake Road Gap Mills WV 24941
Phone Number: 304.536.3743 Email: fred@fredblackmer.com

Physical property details

Physical Address: 3988 Kearneysville Pike
City: Shepherdstown State: WV Zip Code: 25443
Tax District: Shepherdstown (9) Map No: 13 Parcel No: 26-1 thru 26-4
Parcel Size: 13.68 acres Deed Book: 1018 Page No: 516

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 checked="" 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).

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



June 11, 2015

Zoning Map Amendment by Landowner Petition.


Jefferson's Zoning Ordinance states "The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code." (Jefferson County Zoning Article 12, Section 12.3A)

§8A-7-9. Amendments to the zoning ordinance by petition.

(a) After the enactment of the zoning ordinance, the planning commission or the owners of fifty percent or more of the real property in the area to which the petition relates may petition to amend the zoning ordinance. The petition must be signed and be presented to the planning commission or the clerk of the governing body.

(b) Within sixty days after a petition to amend the zoning ordinance is received by the planning commission or the governing body, then the planning commission or the governing body must hold a public hearing after giving public notice. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area affected by the proposed zoning ordinance, as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code, at least fifteen days prior to the public hearing.

(c) If the petition to amend the zoning ordinance is from the owners of fifty percent or more of the real property in the area, then before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment 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.



Fred Blackmer

304.536.3743