



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 Charles Town, West Virginia 25414

File #: 24-2-Z
 Fees Paid: \$ 11,025

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Map Amendment (Rezoning)

A Zoning Map Amendment shall process in accordance with Article 12 of the Zoning Ordinance.*

A complete petition, and related fees, shall be submitted to the Office 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. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.

Property Owner Information

Owner Name: Harvest Homes, LLC
 Business Name: _____
 Mailing Address: 67 Lutmans Lane, Suite 100, Shenandoah Junction, WV 25442
 Phone Number: 304/702-2500 Email: c/o Paul pjraco.consulting@gmail.com

Applicant Contact Information

Applicant Name: Same as Owner Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Consultant Name: Paul J Raco
 Business Name: P.J. Raco Consulting, LLC
 Mailing Address: P.O. Box 548, Charles Town, WV 25414
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: 261 Media Farm Lane, Ranson, WV 25438 Vacant Lot:
 Parcel ID: (Tax District / Map No. / Parcel No.) CT District, Map 4, Parcels 11, 11.1, and 13
 Parcel Size: Approx 127± Acres (126.46± Tax, 127.6± Deed) Deed Book: 1330 and 1331 Page No: 743 and 1

Current Zoning District (please check one)

- | | |
|---|---|
| <input type="checkbox"/> Residential Growth (RG) | <input type="checkbox"/> General Commercial (GC) |
| <input type="checkbox"/> Industrial Commercial (I-C) | <input type="checkbox"/> Highway Commercial (HC) |
| <input checked="" type="checkbox"/> Rural (R)* <u>Within UGB</u> | <input type="checkbox"/> Light Industrial (LI) |
| <input type="checkbox"/> Residential-Light Industrial-Commercial (R-LI-C) | <input type="checkbox"/> Major Industrial (MI) |
| <input type="checkbox"/> Village (V) | <input type="checkbox"/> Planned Neighborhood Development (PND) |
| <input type="checkbox"/> Neighborhood Commercial (NC) | <input type="checkbox"/> Office/Commercial Mixed-Use (OC) |

Proposed Zoning District: Residential Growth District

*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.

Substantiation for the Request

For a Zoning Map Amendment (rezoning) 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/project and describe why this Zoning Map Amendment is necessary for the proposed use (and/or project) described.

The proposed use is a residential project and a rezoning is needed since the property is located in the Rural District, but is located in the Urban Growth Boundary (UGB). As such, it is a Preferred Growth Area (PGA). As such, the Comprehensive Plan labels this property for Urban Scale Growth.

Describe how this 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

A plat or sketch shall include the entire original parcel as it appeared on the date the Zoning 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, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

The information given is correct to the best of my knowledge. **Property Owner Signature Required.**



10-9-24
Date

Property Owner Signature

Property Owner Signature

Date

Map Amendment (Rezoning) Application
Article 12, Jefferson County Zoning Ordinance
Harvest Homes, LLC
October 8, 2024

Owner and Applicant:

Harvest Homes, LLC
67 Lutmans Lane
Shenandoah Junction, WV 25442

Ordinance Citation:

Article 12 of the Jefferson County Zoning and Development Review Ordinance.
Section 12.3

Map Amendment Definition:

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

Request:

Amend the Zoning Map for these three parcels: Charles Town Tax District, Map 4, Parcels 11, 11.1, and 13, totaling approximately 127+- Acres (126.4 acres by Tax Map, 127.6 acres by Deed) from Rural to Residential Growth, based on its Consistency with the Envision Jefferson 2035 Comprehensive Plan (aka the 2015 Jefferson County Comprehensive Plan) and its location within the Urban Growth Boundary (UGB). The Comprehensive Plan, Envision Jefferson 2035 recognizes all property within the UGB as a Preferred Growth Area (PGA).

Substantiation for the Request:

1. The property is currently zoned Rural, and the Applicants are seeking a map amendment to the Residential Growth District. The Applicant believes that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan primarily since it is in the Urban Growth District (UGB) which is a Preferred Growth Area (PGA) and

being adjacent to property zoned Residential Growth. It is also just south of the Shenandoah PGA and adjacent to the Residential PGA.;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. The changes include the availability of Public Water and Sewer, the development of the Route 17 (Flowing Springs Road) area of the County which includes this UGB and the two aforementioned PGAs;
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Urban Growth Boundary which the Plan classifies the Urban Growth Boundaries as Preferred Growth Areas in Jefferson County. This Map, Growth Area and Plan was approved in 2015, and the area has developed as envisioned in the Plan. The reasons for rezoning that are cited in this Application are the same reasons that led to this area to be in the UGB and PGA in the Envision Jefferson Plan; and,
4. The Applicants believe that the current Rural Zoning classification is an error in the current Jefferson County Zoning Map since the property has been the Urban Growth Boundary since 2009 and in the Preferred Growth Area since 2015. As such, this area is in one of the nine primary growth areas of Jefferson County (seven which are PGAs (one is only a Residential PGA) and two that are UGBs) and is intended for Urban Scale Growth instead of Rural. The property is also located on a Major Collector Road (Route 17) in the County. A Major Collector Road is one of the higher rated roads in the County being just under Principal and Minor Arterial Roads. The area is also served by central water and wastewater treatment facilities.

Tax District, Map and Parcel Number:

Charles Town Tax District, Map 4, Parcels 11, 11.1, and 13

Deed Book Reference:

Deed Book 1330 at Page 743
Deed Book 1331 at Page 1

Sketch Plats:

Attached

Tract Size:

Three Parcels Totaling Approximately 127+- Acres (126.4 by Tax Map, 127.6 by Deed Reference)

Discussion on:

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

A. Comprehensive Plan Compatibility

Among the many recommendations in the Envision Jefferson 2035 Comprehensive Plan, the following sections address items directly related to this map amendment.

Starting with one of the most important items in the **Comprehensive Plan (2015)** is the following excerpt from the Implementation section regarding the Zoning Ordinance on **page 148** which clearly establishes the intent of land in the Urban Growth Boundary of either Charles Town or Ranson:

“A key component of this Plan is that any zoning map amendments (rezoning requests) that are requested would have to be in conformance with all the recommendations created as part of this Plan. *As noted in the Land Use and Growth Management Element of this Plan, the areas zoned Rural within the Urban Growth Boundaries (UGB) of Charles Town and Ranson do not have specific future land use classifications. This was done with the understanding these areas are anticipated for growth and the properties could either be annexed into the applicable municipality or rezoned using the County’s zoning map amendment process.*
The Future Land Use Guide was created to provide an understanding of the types of activity that would be within those locations and provide other agencies, such as the WVDOH and the local water and sewer providers an ability to plan for where their limited resources need to be programmed.” (Emphasis Added)

This excerpt explains the intent of the County Planning Commission and County Commission for the land in the Charles Town and Ranson UGBs to develop as urban scale development. Urban Growth Boundaries were provided for in the WV Code, as amended, and both the Cities and the County agreed to these areas to be the Preferred Growth Areas in Jefferson County. These areas were identified and adopted prior to the 2015 Comprehensive Plan (approved in 2009) and then included with specific language in the 2015 County’s Envision Jefferson 2035

Comprehensive Plan. These sections of the Plan are identified in the following excerpts.

The definition of 'Designated Growth Area' is found in the definitions of the Envision Jefferson 2035 Plan on Page 243:

“Designated Growth Area

An area which includes municipalities, Urban Growth Boundaries, Preferred Growth Areas, and Villages.” Emphasis Added

The subject three parcels totaling approximately 127+- Acres are a Designated Growth Area in the Plan since they are within the UGB and included in the Future Land Use Guide and the Future Land Development Map. These maps are included in the Comprehensive Plan and in this application.

As found on page 13 of the 2015 Comprehensive Plan, there are only seven Preferred Growth Areas (PGAs) (one is a Residential PGA) in Jefferson County that are targeted for urban scale growth along with the two Urban Growth Boundaries. The Comprehensive Plan was adopted in 2015 after several years of meetings throughout the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. It is typical for communities that have a Comprehensive Plan, to have requests for both text and map amendments for the map and ordinances to better reflect the Plan. In this case, the 2015 Plan show this property slated for growth as it is located within one of the eight preferred growth areas which includes the two UGBs where this property is located and adjacent to, or close to two other PGAs. The Envision Jefferson 2035 Plan is more specific in that it shows this property within the UGB and states the following on Page 17:

“The first two area types addressed below, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) (including one residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035.” Emphasis Added

And the Plan continues on Page 18 and explains the County's anticipated plan for land located in the UGB when property is not annexed:

“This Plan expects that properties within the UGB may be annexed into the adjoining municipality which has created the UGB. However, an entity with property located within the UGB could choose not to annex their land into a municipality and could then develop the land under the County's land development standards instead. In such circumstances, the UGB acts as a Preferred

Growth Area for the County and urban level development is still anticipated in these areas.”

A main difference between the Envision Jefferson 2035 Comprehensive Plan and the previous Plans is that this Plan clearly identifies areas slated for urban growth and under what conditions that this growth should develop. In this area, the Plan targets this area for development due to the availability of Water and Sewer and services being close to the main incorporated areas in Jefferson County. The property area also has direct access to a Major Collector Road, as identified in the Plan which leads directly to access to Route 9. Finally, the area is within the UGB and next to land already zoned Residential Growth and land that is shown on the Future Land Use Guide as Residential and adjacent to another PGA.

The Comprehensive Plan’s map show that the subject property is ready for development, especially residential due to its location. This type of use is what the Commission intended when it was designated a preferred growth area within an establish Urban Growth Boundary. The purpose of the Plan is to both provide the buying public with the opportunity to understand where growth is designated, as well as to provide existing property owners the ability to realize their property’s value and be able to market their property within these growth areas for development.

Page 17 of the Comprehensive Plan describes the various categories of land, including PGAs and UGBs as follows:

“Land Use Activity Areas

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

Four Comprehensive Types of Land Use Activity within the Designated Areas

**Urban Growth Boundaries
Preferred Growth Areas (PGAs)
Villages
Rural/Agricultural Areas”**

This portion of the Plan, along with the Future Land Use Guide provides predictability to both the property owners within those areas and to the folks buying in the area.

A further explanation of UGBs relationship to established PGAs is found on Page 20 of the Plan:

“The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another.” Emphasis Added.

In this case, the subject property is in a UGB. Therefore, pursuant to the Comprehensive Plan, this location is prime for development since it is in this designated growth area.

Also found in the plan under the Section entitled Water and Sewer Services is a statement of a priority for providing Water and Wastewater Treatment infrastructure within this area which is found on page 85 of the plan:

“In order to take a pro-active role, it is the recommendation of this Plan to encourage the provision of infrastructure that allows for a higher level of development inside of the following areas: municipalities, Urban Growth Boundaries, Preferred Growth Areas, and Villages.”

In further direct support for the Map Amendment (Rezoning), the following recommendation is found in the Urban Level Development Recommendations Table starting on Page 30 of the Plan:

“5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.”

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan:

“Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses.” (Page 69) Emphasis Added

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, and the Ranson UGB Map, this map amendment is consistent and compatible with the Plan. The

Consistency with, and Compatibility to the existing Comprehensive Plan and the Future Land Use Guide are the two most important criteria to be used for a Map Amendment.

The importance of the Future Land Use Guide when making Map Amendment decisions is outlined on Page 15 of the Plan:

“By creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”

This section of the Plan allows for predictability of future land uses in Jefferson County. Based on the Urban Growth Boundary that was created in 2009 and added as the Ranson Urban Growth Boundary Map in the Plan and the Future Land Use Guide that were created in 2015 (after years of developing the Plan), the previous Property Owner, the current Property Owner and the Public were all made aware of the land use anticipated on this property and in the neighborhood.

To carry through what the City and County adopted in 2009 and then the County included and adopted in the 2015 Comprehensive Plan, in this preferred growth area known as the Ranson Urban Growth Boundary, the requested rezoning would allow the Applicants to develop residentially as the plan anticipated. This land is directly adjacent to property already zoned Residential Growth which is also located in the UGB and adjacent to another PGA.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. In this case, the property has access to both Public Water and Wastewater Treatment Facilities that were expanded into this area due in part to the Comprehensive Plan’s designation for growth. These qualities make the property an ideal candidate for a map amendment.

Again, this area is promoted in the Plan to develop into Urban Level Growth including residential subdivisions, apartments, and other higher intensity uses in the Urban Growth Boundaries and the Preferred Growth Areas.

For the Envision Jefferson 2035 Comprehensive Plan, Input on the potential Preferred Growth Areas was provided at a series of Public Workshops prior to the Plan’s adoption in 2015. This reference regarding the Ranson UGB is found on page 187:

“With the input given at the workshops, seven areas were identified as Preferred Growth Areas within Jefferson County.”

Which included:

“6. Area within the Ranson Urban Growth Boundary”

Finally, in the Goals and Objectives of the Comprehensive Plan beginning on Page 190, the number one Goal is:

“Goal #1: Require Urban Intensity Residential and Non-Residential Development to Occur within Existing Urbanized Areas, Approved Urban Growth Boundaries, Villages, and/or the County’s Identified Preferred Growth Areas.”

On Page 190 it goes on to list the following as an Objective of this Number 1 Goal:

“Objective #4: Permit the creation of urban level uses (particularly residential development) within approved Urban Growth Boundaries (UGBs), Villages, or in the Preferred Growth Areas (PGAs) through rezoning that is consistent with the recommendations of this Plan.” Emphasis Added

And, also found in the Goals and Objectives on Page 196 is Goal 10 and Objective 4 regarding Infrastructure construction within the UGBs and PGAs:

“Goal #10: Maintain and Enhance Community Services and Infrastructure Capacity for Water, Sanitary Sewer, Storm Sewer, and Other Utilities; and Enable the Provision of Orderly and Efficient Services and Advanced Technologies”

“Objective #4: Require that new utility facilities and/or extensions are located within Urban Growth Boundaries (UGBs), Preferred Growth Areas (PGAs), or Villages.” Emphasis Added.

Based on the preceding recommendations, narrative, goals and objectives from the Envision Jefferson 2035 Comprehensive Plan and the Future Land Use Guide and the Future Land Development Map in the Comprehensive Plan, this map amendment is overwhelmingly consistent and compatible with the Envision Jefferson 2035 Plan.

B. Change of Neighborhood

The Ordinance requires a discussion on the Change of Neighborhood and Change of Transportation Characteristics in the Map Amendment Request. However, it is important to note that it is to include changes since the adoption of the Zoning Ordinance in 1988.

This area of Jefferson County and the area surrounding both Ranson and Charles Town have changed significantly since the Zoning Ordinance was adopted in 1988. The following are examples of these changes:

1. One of the main changes for both characteristics include of course the adoptions of both the 2004 and replacement 2015 Comprehensive Plans. Along with the newest Plan, the Urban Growth Boundaries were adopted by Charles Town and Ranson in 2009 and ratified by the Jefferson County Commission. The Ranson UGB includes the subject parcels, and the 2015 Comprehensive Plan makes this area a Preferred Growth Area for Urban Growth. As such, the Utility Providers have concentrated their expansion efforts in these areas. If the Comprehensive Plan could change the Zoning designations of properties, this land would have already been reclassified to either the Residential Growth District or the Residential/Light Industrial/Commercial District. Instead, it provided many sections of the Plan that clearly recommend the rezoning of the land into a growth district.
2. The new plan, multiple annexations, sewer and water construction focuses new growth around the PGAs and UGBs. This has led to the considerable change of neighborhood.
3. Several residential developments have been built in this area including the three subdivisions across Flowing Springs Road and even multiple sections of the Briar Run Subdivision were developed after the Zoning Ordinance was adopted. The entire commercial development to the West of this property was developed post the County Zoning Ordinance. Most of this land was annexed to Ranson prior to developing. This includes the Kohls, Weis, Home Depot and all of the shops. It also includes the developments, both commercial and residential, across Route 9 which were all annexed and developed after the Zoning Ordinance.
4. At least two new schools have been built in the area including Wildwood Middle School which started out as the Ninth Grade Complex and Driswood Elementary School. Both were built in the 21st century based on the growth in the area that came after the Zoning Ordinance was adopted.
5. Currently, the four lane Route 340 is being completed to Virginia which will lead to more need for residential development as another direct commuter link to Route 7 to Northern Virginia and Winchester.

6. The Pandemic was after the Zoning Ordinance was adopted and it led to the lessening of the Federal Government and Corporation work week in the D.C. Metro area which affected many of the commuters. This shortened commuter work week (allowing more work from home in lieu of the commute) has created an increased demand for residential as more families realize they can move further out from the 'City'.
7. The Capacity of Wastewater Treatment facilities and Water Services has been expanded, especially in this area in anticipation of the development in the Ranson area, the UGBs and several PGAs in this specific area of the County based on the current and previous Comprehensive Plans
8. WVU Hospitals purchased both Berkeley Medical Center and Jefferson Medical Center in Ranson and have expanded the capabilities at both Hospitals and purchased sixty-four acres along Route 340 and Route 9 for potential expansion.
9. Along with the expanded services at Jefferson Medical Center, Valley Health has opened facilities, including a nearby Urgent Care, in this area of the County including within the Ranson UGB.
10. Since the Zoning Ordinance was adopted, the new four lane of Route 9 (West towards Martinsburg) was completed with direct four lane access to and from Route 81 from the north end of the 'Bypass' around Ranson. This expansion allowed easier access to Martinsburg and Hagerstown to this area. This property has close access to this Primary Arterial Road which with the completion of the bypass will create four lane access to and from this area north to Route 81, south to Route 7 and east both via Route 340 and the other 'newer' Route 9 over the mountain. This makes the property ripe for plan supported development.
11. A new Ranson Elementary School is nearing completion in the general Ranson UGB, and the School Board purchased enough land for additional schools in this campus.
12. The new Route 9 was added to provide a new four lane access east over the mountain.

The following are changes in the neighborhood that would specifically support the requested change to the Residential Growth District:

1. Availability of Public Utilities and Services:

Public Water and Sewer services with additional capacity are now available in this neighborhood. The availability of this capacity is a change for this neighborhood since 1988. As stated earlier, one of the Comprehensive Plan's primary objectives is to funnel growth into areas already served by existing infrastructure such as sewer and water:

'This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.' (Page 27)

The allowance of growth in this area because of both the sewer and water and location within the PGA is also supported by Recommendation 5a found on Page 30:

"Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available." (Emphasis added)

In this case, the Plan strongly supports the map amendment request based on the availability of services as recommended in the UGBs and the PGAs. The Applicant has already discussed the water and sewer services with the Utility Companies.

2. Growth in the Corridor:

Since the adoption of the original Zoning Ordinance in 1988, this area has grown considerably. The significant residential growth in the Flowing Springs growth corridor which is within the Shenandoah Junction/Schools PGA; the residential and commercial growth within Ranson and the Charles Town and Ranson UGBs, the expansion of services at Jefferson Medical Center and the development of the Valley Health facilities including the Urgent Care along with the Home Depot/Kohls/Weis shopping complex, etc. These types of developments along with the existing growth in the Charles Town and Ranson area illustrate that commercial and residential is very much consistent with the Comprehensive Plan; especially since most of these came after the Zoning Ordinance was adopted. The map amendment for the subject property is exactly what is envisioned in the Comprehensive Plan for the Preferred Growth Areas and within the Urban Growth Boundaries.

C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics in this area since the time of the adoption of the Zoning Ordinance. Most of these are already addressed in the Change of Neighborhood section of this application. This includes the completion of the four lane Route 9 to both Route 81 and over the Mountain which helped to facilitate much of the commuter traffic. Additionally, the road was widened and improved to accommodate the large volume of tractor trailer traffic associated with the industrial and commercial growth in the area.

The finished Route 9 through Jefferson County was the major change in transportation characteristics that serves Ranson and the Ranson UGB where the subject property is located. It is also the direct four lane link to Route 81 that Jefferson County supported. This road has opened both trade routes and commuter routes in and out of Jefferson County.

The newly started construction on the four lane Route 340 from the 'Bypass' south of town to the Virginia line will have a major effect on this entire region, but specifically to properties (such as the subject parcel) that have close access to the Route 9/Route 340 corridor. This improvement and widening of Route 340 to the VA line, will promote the additional location of housing for expanded commuter traffic especially within this Urban Growth Boundary and the Preferred Growth Areas of the UGB and the Shenandoah Junction/Schools PGA.

These changes and improvements to the transportation system and neighborhood have taken place since 1988 when the Zoning Ordinance was adopted. Since the Comprehensive Plan was adopted in 2015, most of these road improvements have already been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. All these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and neighborhood. The four lane Route 9 was recognized as a driving force for the creation of this area's Urban Growth Boundary and Preferred Growth Area in the Plan. Accordingly, the Comprehensive Plan already acknowledges that these transportation changes have had a positive effect in this area, so much so that Ranson adopted, and the County acknowledged the UGB and approved the creation of this area as an Urban Growth Center as a Preferred Growth Area. These changes and improvements to both the Comprehensive Plan and the Transportation Characteristics support the rezoning of the subject property.

D. Error in the Original Zoning Map

The primary justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. This is the reason that the Comprehensive Plan is so thoroughly discussed in this Application and Request for Map Amendment. However, in some jurisdictions, an error in the original or amended zoning map is also used as a good indicator for map amendments. Accordingly, this Petition will briefly touch on some of the reasons that this property should have been zoned for development when the original ordinance was adopted; and/or shortly after the Envision Jefferson 2035 Plan was adopted. These are not errors in the traditional sense, just reasons that the area should be rezoned based on the circumstances that existed in 1988 when Zoning was adopted or after the 2015 Comprehensive Plan was adopted.

Listed below are several reasons why this property should have been zoned for development in 1988 when the original ordinance was adopted and after 2015 when the Envision Jefferson 2035 made it very clear that the property was ideal for growth. These reasons have already been discussed in detail in this Petition. Furthermore, these reasons alone would support the requested map amendment to the Residential Growth:

1. The property is located on a major road between Ranson/Charles Town and Shepherdstown which are three of the five Incorporated areas in Jefferson County, and it is a Major Collector Road as defined by the 2015 Comprehensive Plan;
2. The property has access to expanded public water and public wastewater capacity and services;
3. The property is located just south of Jefferson High School, which was the only high school in Jefferson County in 1988 and is now one of two high schools in the County. It is also close to the new Ranson School Campus under construction and close to the Wildwood Middle School and Driswood Elementary School which were constructed since the Zoning Ordinance was adopted; and,
4. The long anticipated major connection was made with Route 81 when the Route 9 Four Lane was completed which there is direct access to Route 9 just south of this site.

Once you combine these facts with the other compelling factors in the application, this Map Amendment is strongly consistent with the Plan. These arguments are bolstered by the creation and approval by both Ranson and the County Commission of the Ranson Urban Growth Boundary and the subsequent adoption of the Envision Jefferson 2035 Comprehensive Plan, which places the subject properties within this UGB/PGA.

E. Conclusion:

The Owner/Applicant respectfully requests that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Petition cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the Envision Jefferson 2035 Comprehensive Plan; the fact that the property should have been classified as one of the Growth Zones/Districts in the original ordinance or at least during or after the 2015 rewrite of the Comprehensive Plan; the positive changes in the transportation characteristics in the area, especially the construction of Route 9; the changes in the neighborhood from when the original zoning ordinance was adopted (including the new schools, new residential developments, expansion of Sewer and Water, major commercial developments in the area); the fact that the property and area is located in a Preferred Growth Area in the 2015 Plan and as a UGB in 2009 indicates this area as a major growth location; and, the fact that the property has access to Public Water and Sewer and other services. This map amendment will change the zoning classification on the Owner/Applicant's three properties identified in this application from the Rural District to the Residential Growth District.

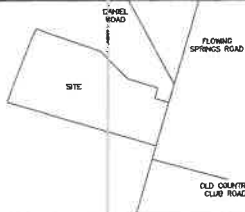


Harvest Homes, LLC

10-9-24

Date

VICINITY MAP
1" = 2000'



DANIEL
T.M. 3\3
D.B. 1142\445

MCDONALD
T.M. 4\10
D.B. 1131\29

MCDONALD
T.M. 4\12
D.B. 1321\736

Approx Total Area:
127± ACRES
TOTAL AREA By DEED
127.6 acres ±
TOTAL AREA by TAX MAP
126.4 acres ±

HARVEST HOMES LLC
T.M. 4\11
D.B. 1330\743

HARVEST HOMES LLC
T.M. 4\13
D.B. 1331\1

BROUGHMAN
T.M. 4\11.2
D.B. 1242\549

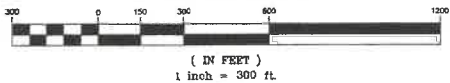
HARVEST HOMES LLC
T.M. 4\11.1
D.B. 1330\743

MCDONALD
T.M. 4\14
D.B. 1321\736

CONTOURS BASED ON
2012 FEMA RS NV-VI-MD
NA83 HORIZONTAL
NAVD88 VERTICAL
A FIELD TOPOGRAPHIC
SURVEY AND BOUNDARY
SURVEY WOULD BE
REQUIRED TO ACCURATELY
ESTABLISH ELEVATIONS
AND DIMENSIONS

TREE LINE / TREES
CONTOUR LINES

GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.

Approx 127± Acres (126.4 by TAX MAP 127.6 by Deed)
HARVEST HOMES REZONING SKETCH PLAT
TAX MAP 4 PARCELS 11, 11.1, & 13 CHARLES TOWN DISTRICT

JEFFERSON COUNTY, WEST VIRGINIA

DEED BOOK 1330 PAGE 743 & 1331 PAGE 1.

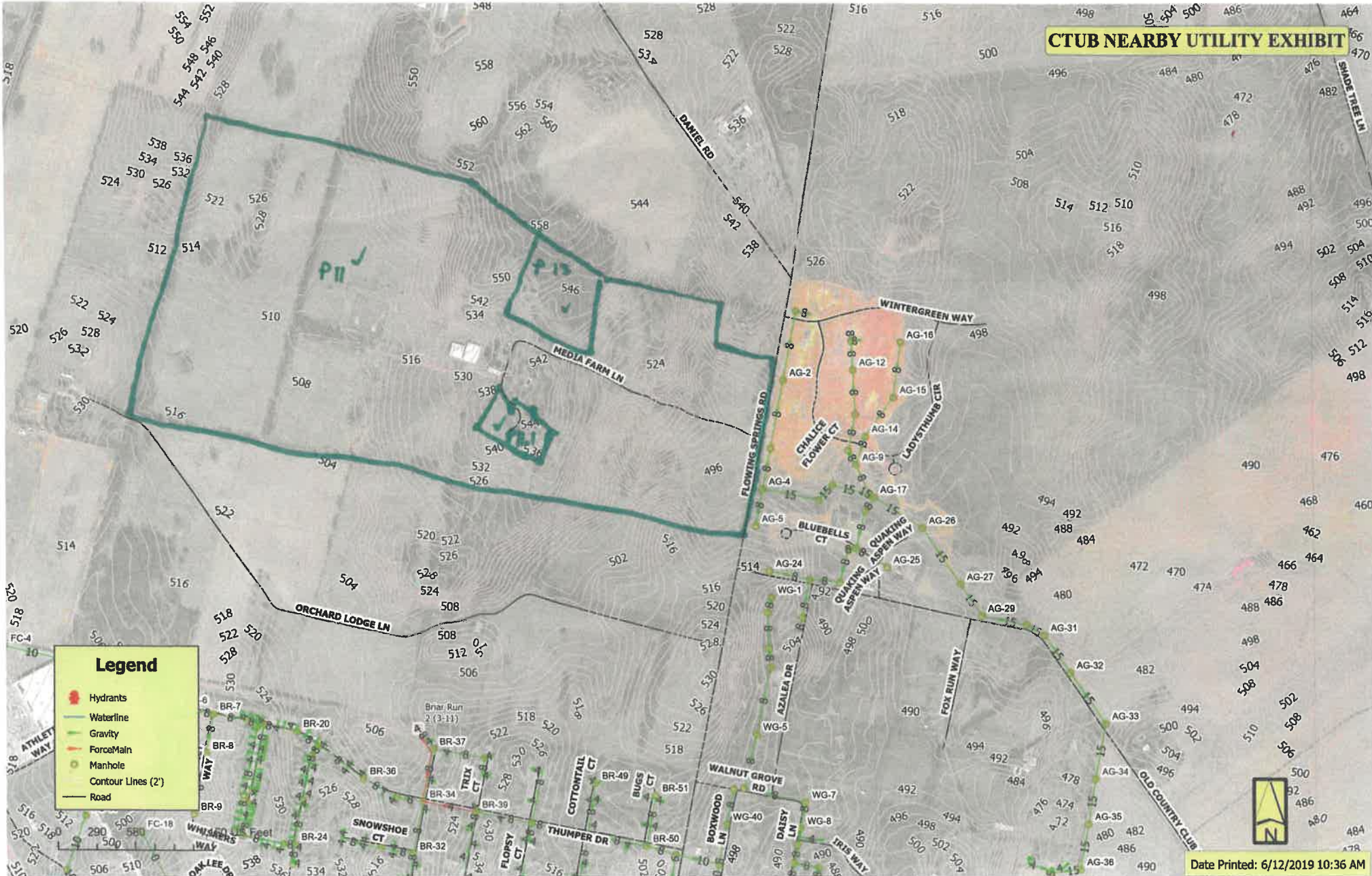
KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

PROPERTY STANDING IN THE NAME OF HARVEST HOMES LLC, AS RECORDED
IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOKS 1130\713 & 1131\1.
SURVEYOR: PETER H. LORENZEN - P.O. BOX 316, SUMMIT POINT, WV. 25446.
(304) 728-6093

OWNER \ DEVELOPER: HARVEST HOMES LLC, 67 LUTMANS LANE, KEARNEYSVILLE, WV, 25430
(304) 702-2500

DWG #HARVEST DATE 10-08-24

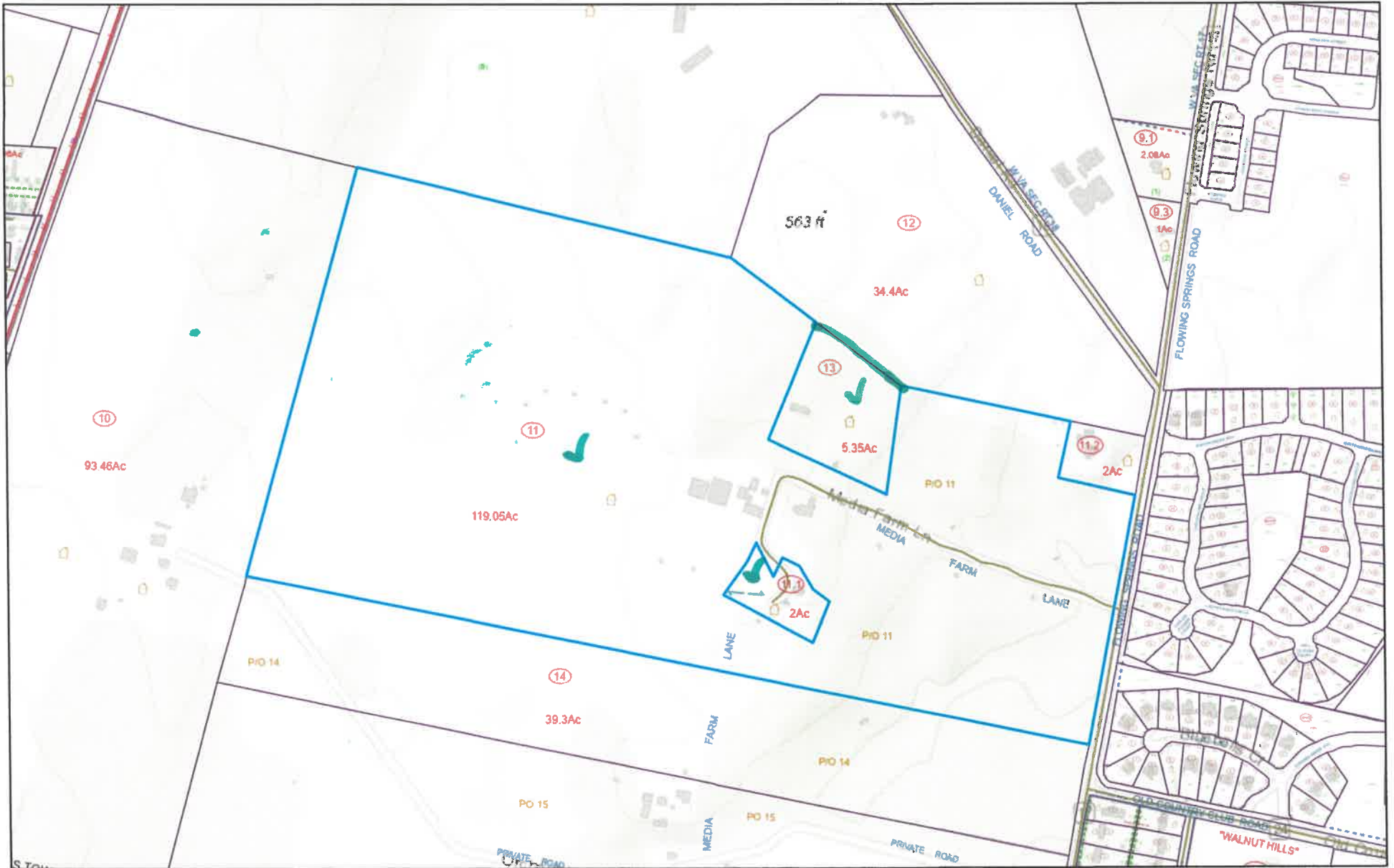
CTUB NEARBY UTILITY EXHIBIT



Legend

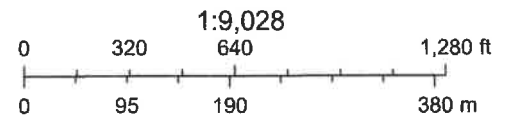
- Hydrants
- Waterline
- Gravity
- Force Main
- Manhole
- Contour Lines (2')
- Road

Viewer Map



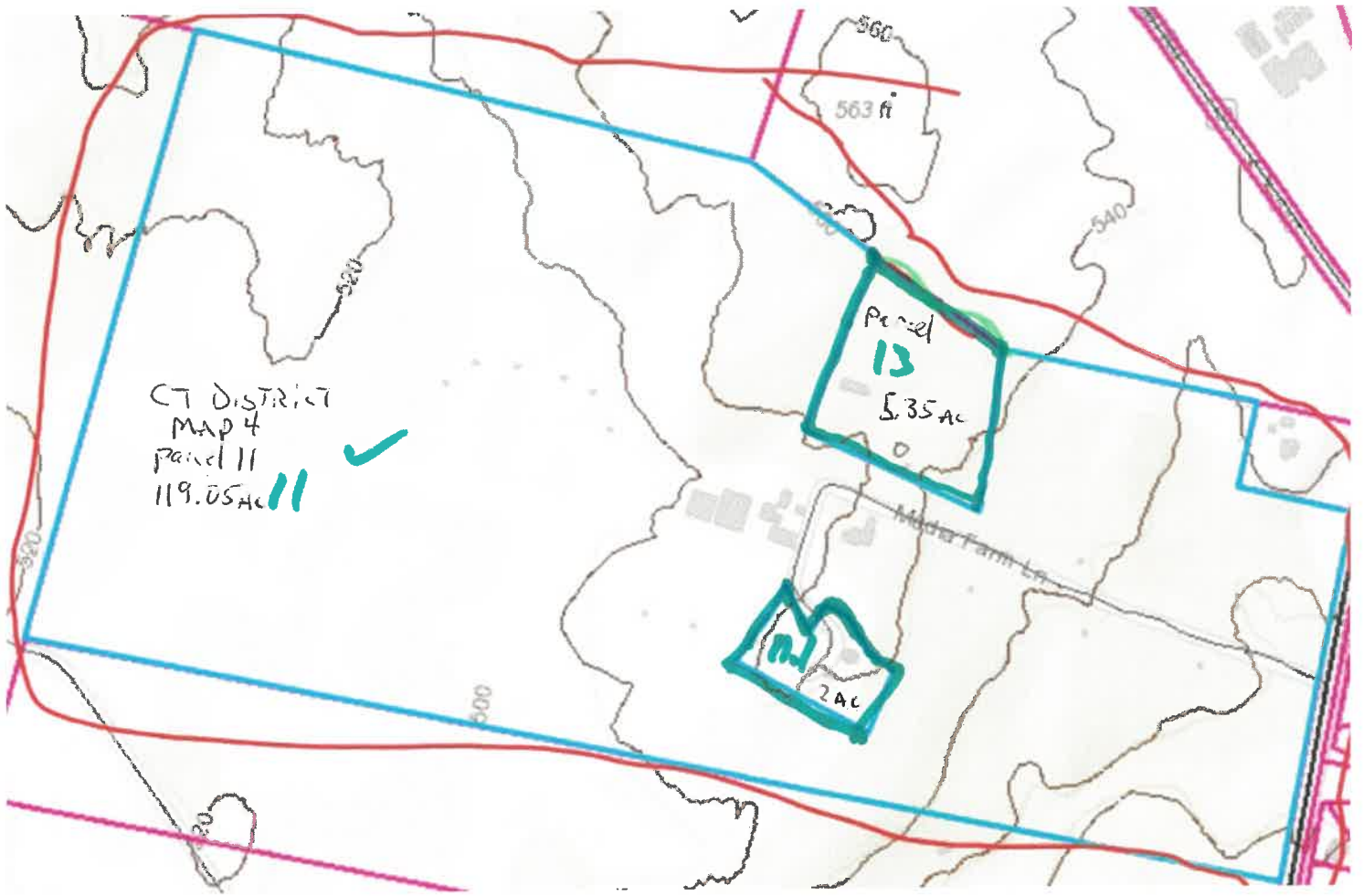
October 3, 2024

Site Location



WashCo MD, VITA, West Virginia GIS, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

Site ✓



CT DISTRICT
MAP 4
Parcel 11
119.05 Ac ✓

Parcel
13
5.35 Ac

Parcel
12
2 Ac

CT District
MAP 4
parcels 11 119.05 ac ✓
12 2 Ac
13 5.35 Ac

Topo - County Website



SITE Aerial
TOPO
NATURAL & MANMADE CONDITIONS

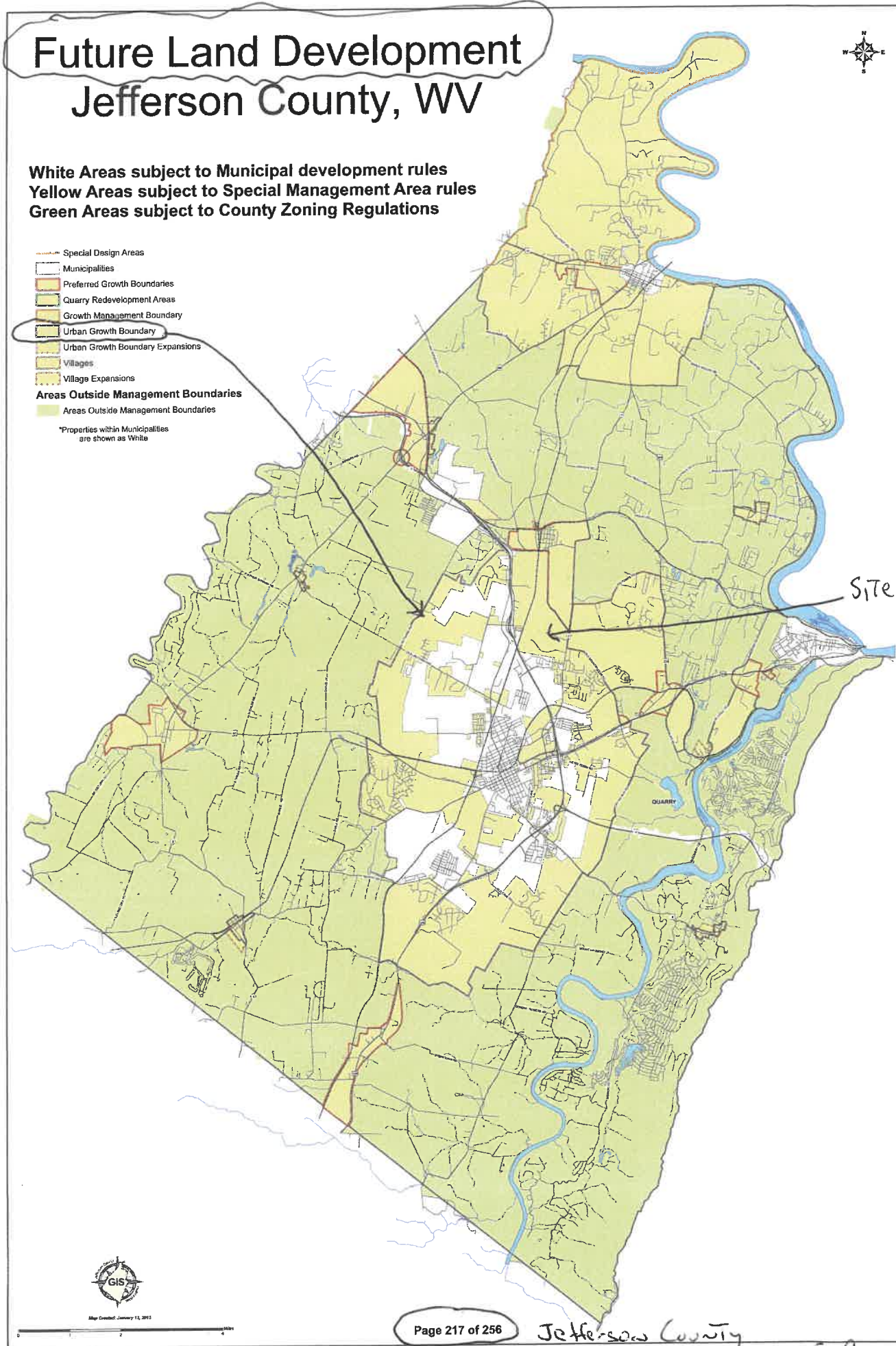
Future Land Development Jefferson County, WV



White Areas subject to Municipal development rules
Yellow Areas subject to Special Management Area rules
Green Areas subject to County Zoning Regulations

- Special Design Areas
- Municipalities
- Preferred Growth Boundaries
- Quarry Redevelopment Areas
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansions
- Villages
- Village Expansions
- Areas Outside Management Boundaries**
- Areas Outside Management Boundaries

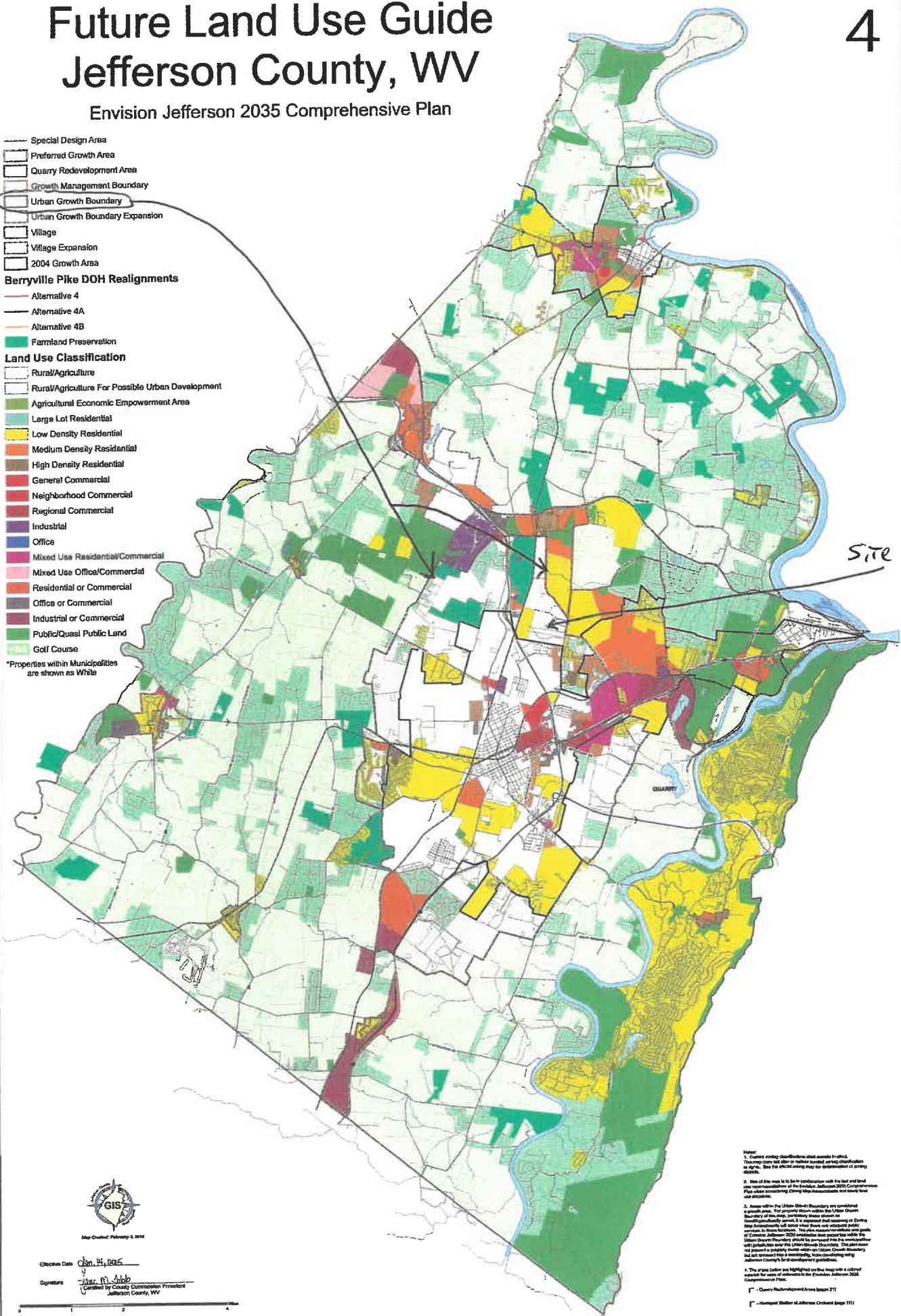
*Properties within Municipalities
are shown as White



Future Land Use Guide Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan

- Special Design Area
 - Preferred Growth Area
 - Quarry Redevelopment Area
 - Growth Management Boundary
 - Urban Growth Boundary
 - Urban Growth Boundary Expansion
 - Village
 - Village Expansion
 - 2004 Growth Area
 - Berryville Pike DOH Realignments**
 - Alternative 4
 - Alternative 4A
 - Alternative 4B
 - Farmland Preservation**
 - Land Use Classification**
 - Rural/Agriculture
 - Rural/Agriculture For Possible Urban Development
 - Agricultural Economic Empowerment Area
 - Large Lot Residential
 - Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - General Commercial
 - Neighborhood Commercial
 - Regional Commercial
 - Industrial
 - Office
 - Mixed Use Residential/Commercial
 - Mixed Use Office/Commercial
 - Residential or Commercial
 - Office or Commercial
 - Industrial or Commercial
 - Public/Quasi Public Land
 - Golf Course
- *Properties within Municipalities are shown as White



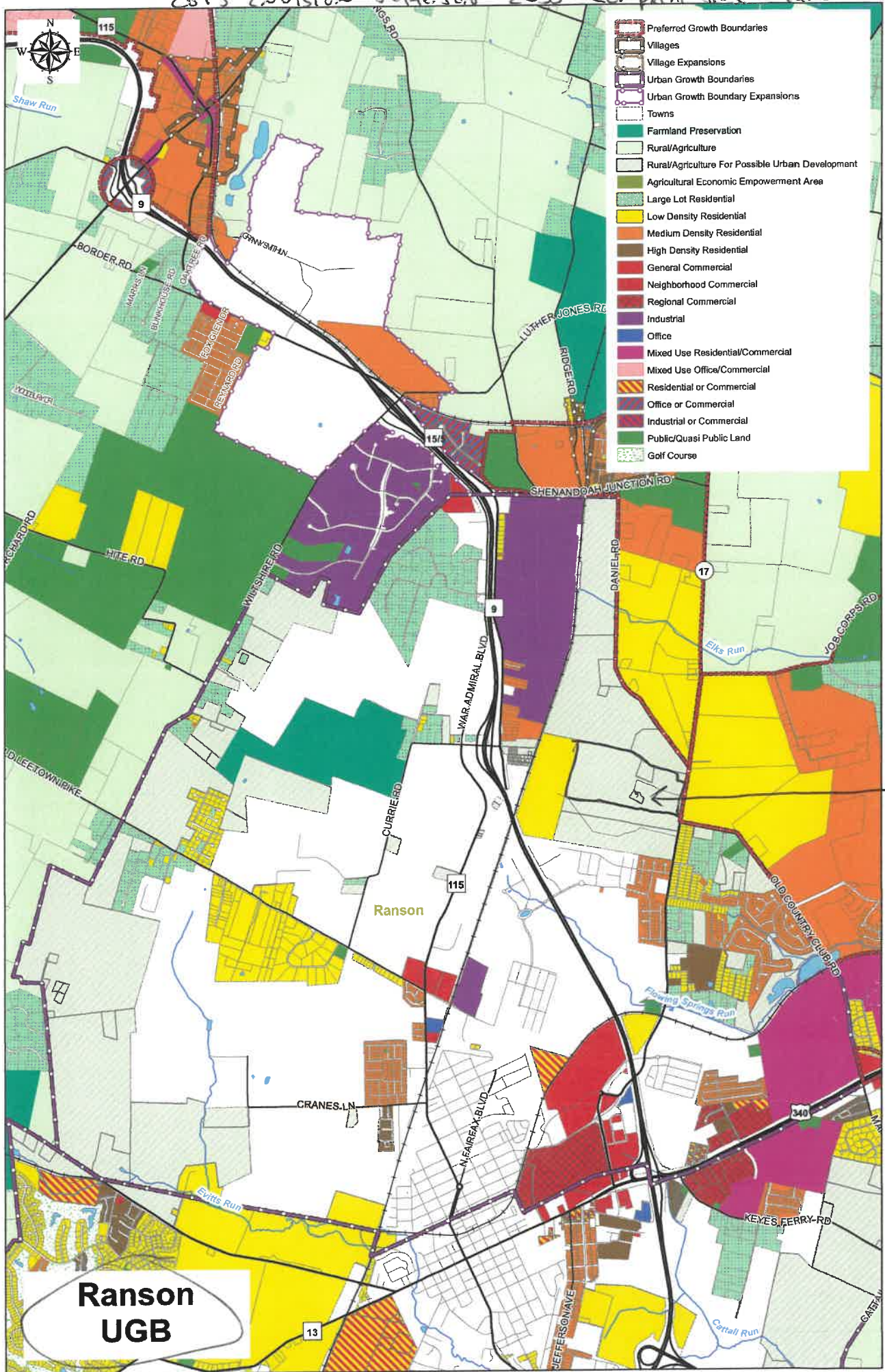
Effective Date: Jan 14, 2015
 Signature: [Signature]
 Created by County Commission President
 Jefferson County, WV

Notes:

1. Current zoning ordinances shall remain in effect. The zoning code will allow or restrict zoning classifications as shown. See the official zoning map for determination of zoning status.
2. None of the text is to be implemented until the text and land use responsibilities of the Envision Jefferson 2035 Comprehensive Plan have been adopted by the Board of Commissioners and have been adopted by the Board.
3. Areas within the Urban Growth Boundary are considered a growth area. For properties shown within the Urban Growth Boundary of this map, zoning status shown is the zoning classification shown. It is expected that zoning or zoning map amendments will occur over time and zoning status will change accordingly. The plan assumes no rezoning until the Board of Commissioners 2025 resolution that updates the Urban Growth Boundary should be passed. The plan assumes no rezoning until the Board of Commissioners 2025 resolution that updates the Urban Growth Boundary over the Urban Growth Boundary. The plan does not present a zoning code within the Urban Growth Boundary, but it is intended to be a zoning code within the Urban Growth Boundary.
4. The plan does not highlight on this map with a colored symbol the areas of jurisdiction for the Envision Jefferson 2035 Comprehensive Plan.

P - Quarry Redevelopment Area (page 37)
P - Proposed Station at Jefferson Ordinance (page 111)

2015 Revision Jefferson 2035 Comprehensive Plan



**Ranson
UGB**

PC COPY

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Harvest Homes LLC

Department or Organization: **Harvest Homes, LLC**

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1st Choice: **October 17, 2024**
If a specific date is needed, please provide reason for specific date:

Subject (Wording to be placed on agenda): Landowner Petition for Map Amendment for Harvest Homes, LLC: Charles Town District, Map 4, Parcels 11, 11.1, and 13 containing a Total of approximately 127 +- Acres (126.4 per Tax Map, 127.6 per Deeds) Request to schedule a Public Hearing and refer the application to the Planning Commission for advice on the Comprehensive Plan Consistency of the request.

Please provide the County Commission with a description of your request or presentation, including any background information: **Request for a Map Amendment for Harvest Homes, LLC per Article 12, Section 12.3.A. of the Jefferson County Zoning and Land Development Ordinance from Rural to Residential Growth. The three parcels are within the Urban Growth Boundary. Supporting and Background Attached.**

Is this a funding request? Y/N NO
If so, how much? \$
Provide exact financial impact/request: \$0.00

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):
Motion: Move to Accept Landowner Petition and Request for Map Amendment for Harvest Homes, LLC, Parcels 11, 11.1 and 13 on Map 4 in the Charles Town Tax District and schedule a Public Hearing at the County Commission Meeting on December 5, 2024 and to refer the application to the Planning Commission for advice on the request's consistency with the Comprehensive Plan.

Attach supporting documents for request, or request may be denied.
If not attached, explain: Attached

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information: Paul J Raco
Email address: Pjraco.consulting@gmail.com Phone Number: 304/676-8256

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION
not applicable