



JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning

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

File Number: 21-2-Z
Staff Initials: JH
Application Fee: \$ 13,150-

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

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zoning@jeffersoncountywv.org

Phone: (304) 728-3228
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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: Jefferson Orchards, INC
Mailing Address: 8350 San Fernando Way, Dallas, TX 75248
Phone Number: 214-808-4375 Email: mralston@fjrpllc.com

Applicant contact information

Name: Mark Ralston
Mailing Address: 8350 San Fernando Way, Dallas, TX 75248
Phone Number: 214-808-4375 Email: mralston@fjrpllc.com

Applicant representative

Name: GORDON: Mark Dyck
Mailing Address: 148 S. Queen street, Suite 201; Martinsburg, WV 25401
Phone Number: 304-725-8456 Email: mdyck@gordon.us.com

Physical property details

Physical Address: 2,000 feet northeast of the Route 115, Route 480 Intersection. Located on the east side of 480
City: N/A State: WV Zip Code: 25430
Tax District: Middleway Map No: 3 Parcel No: 29, 35
Parcel Size: 242.21 acres Deed Book: 1215 - 1199 Page No: 429 - 506

Current Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (O/C). Rural (R) is checked.

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APR 08 2021

Place Received Date Stamp Here

JEFFERSON COUNTY PLANNING & 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 checked="" 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 type="checkbox"/>	<input checked="" 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

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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).

Jefferson Orchards, Inc.
Mark H. Peterson 4/8/2021
Mark H. Peterson (President)
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

Miller Property

April 7, 2021

Owner:

Jefferson Orchards Inc.
PO Box 700
Kearneysville, WV 25430

Applicant:

Mark Ralston
Jefferson Orchards Inc.

Property Tax Identification:

Middleway District (7), Map 3, Parcel 29 – 15.71 acres
Middleway District (7), Map 3, Parcel 35 – 226.5 acres

Deed Information:

Parcel 35 - Deed Book 1215, Page Number 429
Parcel 35 - Deed Book 1199, Page Number 506

Property Characteristics:

Location: East of Route 480, 1 mile north of the Route 9 Interchange
Current Zoning: Rural
Current / Historic Use: Vacant / Agricultural
Tract Size: 242.21+/- Acres
Area of Rezoning: 242.21+/- Acres

Substantiation for Request

DESCRIBE PROPOSED USE

The properties are located in Jefferson County, immediately north of the City of Ranson annexation referred to as Jefferson Orchards or Northport. The site has frontage on Route 480 and is directly connected to Route 115 through Ranson.



Figure 1 – Aerial Map

The properties are approximately 5 miles from Shepherdstown, 9 miles from Interstate 81 and about 8 miles from Charles Town. The properties are a mixture of wooded areas and open fields.

Residential Development

All of Parcel 29 and the majority (approximately 180 acres) of Parcel 35 are planned for residential development. The development will include homes, open spaces/buffers, parks, amenities, stormwater management and roads. The majority of the residences will be single family residential with up to 20% of the total units being townhomes. The residential development will be phased over multiple years.

As part of the development plan the project would extend the existing WVDOH road from its termination point in Ranson through to Route 480. This land would be dedicated by the owners at no cost to WV. This connection will provide an important transportation link in Jefferson County that will enhance the transportation network. It is expected that a traffic study will be required by WVDOH as part of the subdivision design process.

The project will have multiple phases and include at least two connections points to Route 480. Phase A - E are shown to graphically demonstrate how the site could potentially be sequenced.

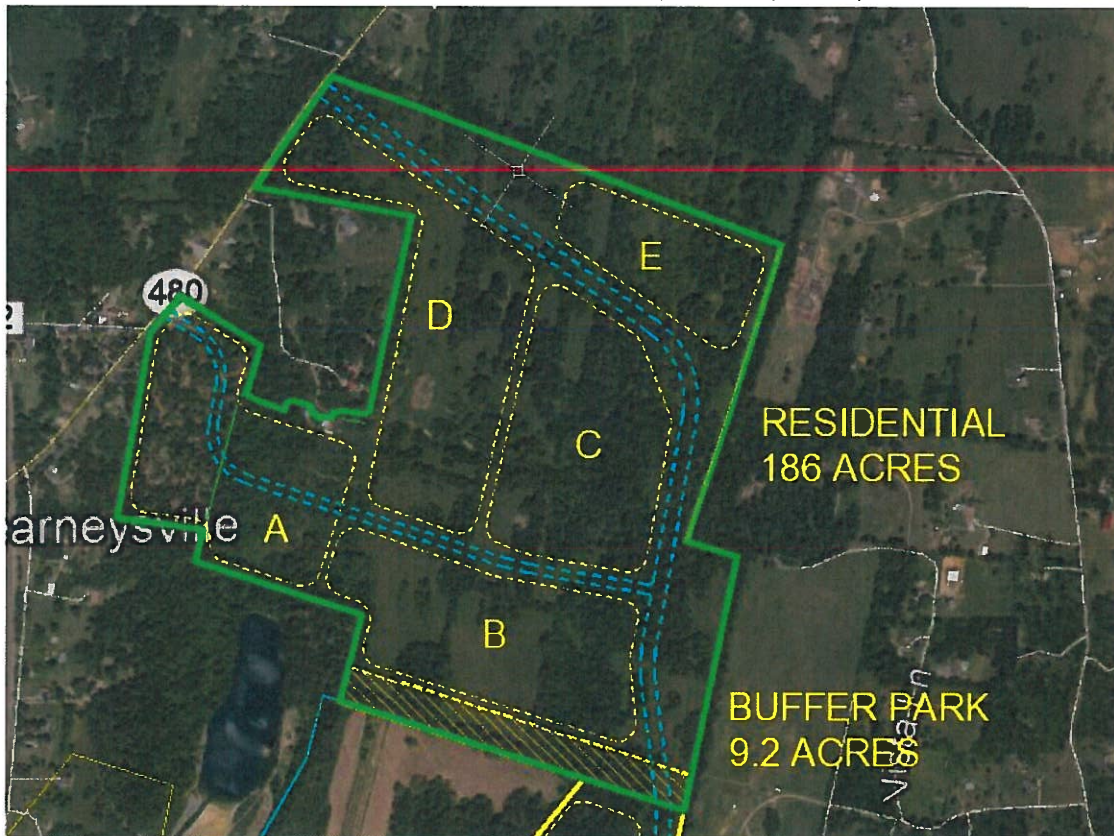


Figure 2 – Residential Development Plan

Light Industrial Zone

Approximately 43.7 acres of Parcel 35 curves around the City of Ranson limits and abuts to the Rockwool site at its southern end. The land located in Ranson is zoned as a Special Industrial District and the applicant is proposing a zone that is compatible with this adjacent use.

The Light Industrial Zone significantly limits heavy manufacturing and does not permit heavy industrial uses. It will serve as an excellent transition zone while providing a large parcel of land that can support future investment in employment-based uses. By definition in the Zoning Ordinance a light industrial use is one that does not use a significant amount of water, does not create noise, odors, smoke and objectionable nuisances or hazards.

This development will be served by a WVDOH road and is adjacent to existing public sewer and water infrastructure. As noted in the residential development summary, the land required for the WVDOH road would be donated by the property owner.

It is possible that the development may consist of a single larger use, or it might be multiple smaller buildings similar to those found in the Burr/Bardane Park.

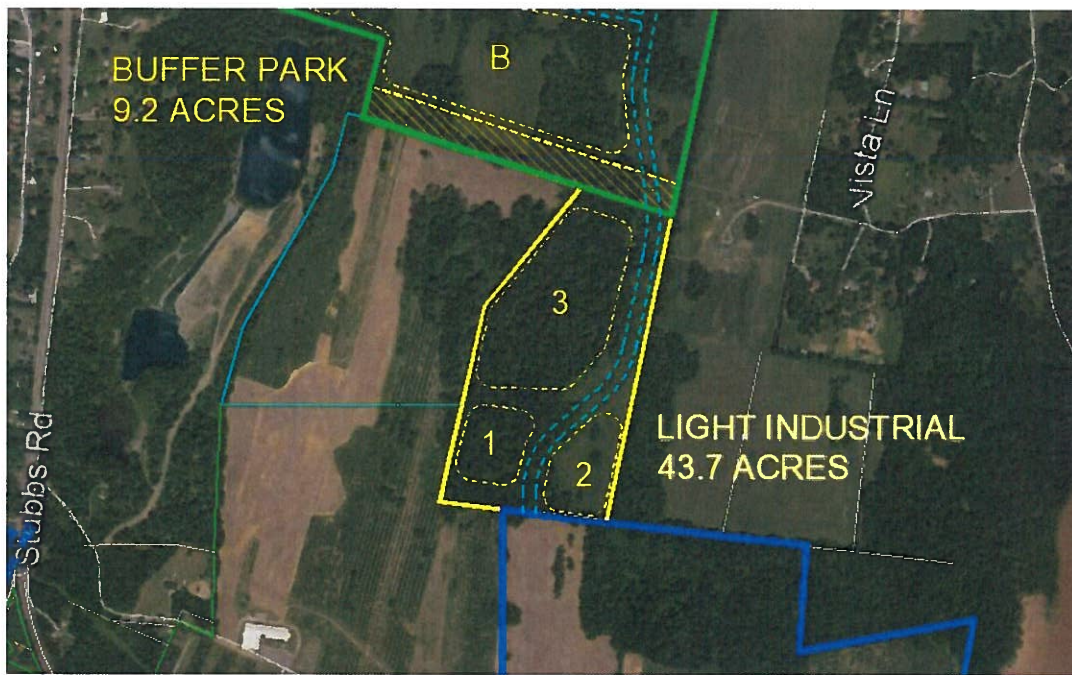


Figure 3 – Light Industrial Development Plan

DESCRIBE WHY THE ZONING MAP AMENDMENT IS NECESSARY FOR THE PROPOSED USE

A zoning map amendment is necessary since the Rural Zone does not permit the proposed uses.

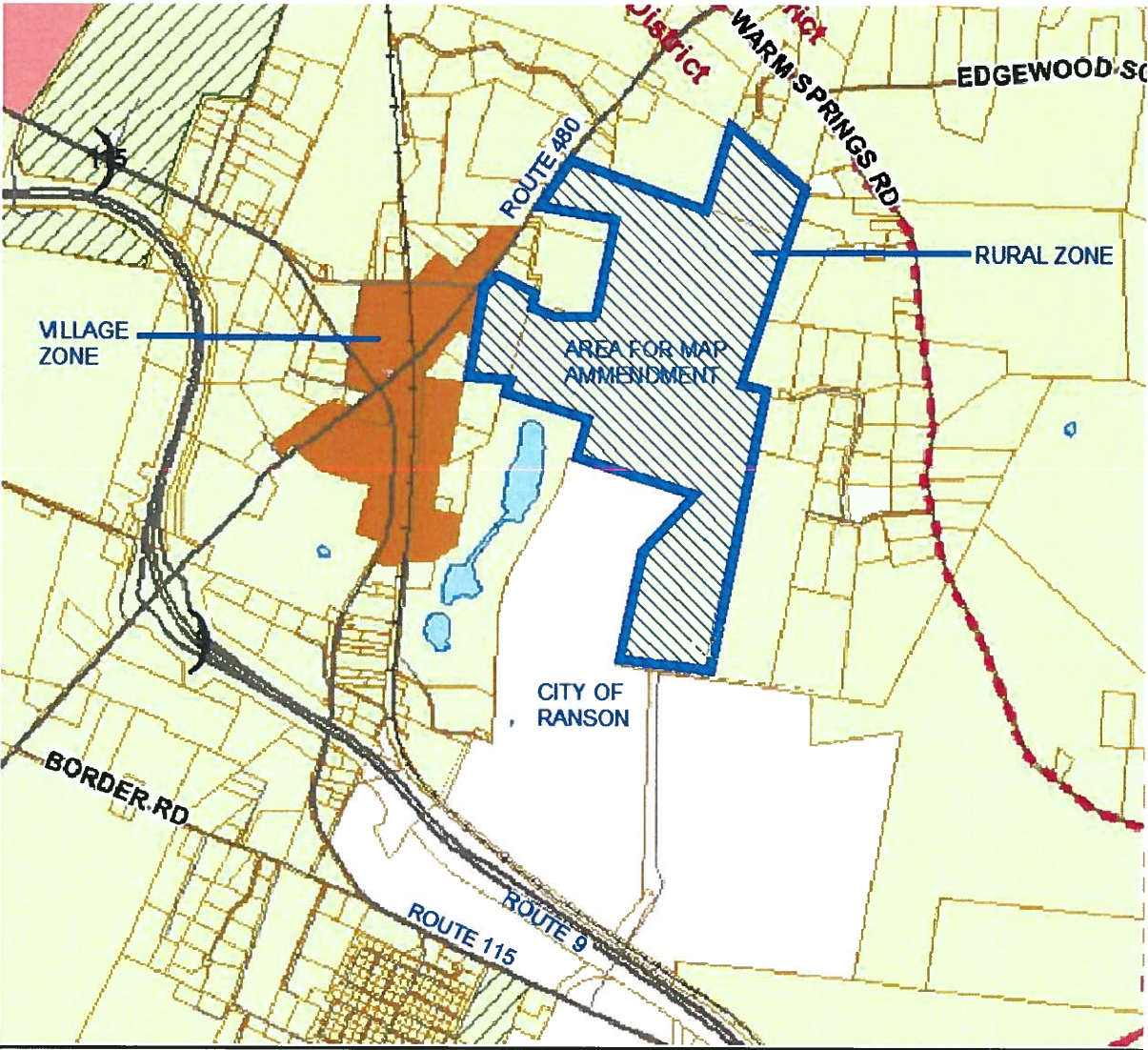


Figure 4 – Jefferson County Zoning Map

HOW IS THE ZONING MAP AMENDMENT CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN

1. Preferred Growth Areas (page 22)

d. Route 9 PGA

(between Kearneysville and the Jefferson/Berkeley County line)

This area would be able to access water, sewer, and natural gas services from Berkeley County thereby allowing more intense business park/commercial uses to develop along the County line. The village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. The intersection of Route 9 and County Road 1 (Leetown Pike) would be characteristic of a commercially oriented highway interchange. A map of the Route 9 PGA can be found in Appendix F – Maps.

In 2012 the Kearneysville area was designated as a PGA, with the expectation that sanitary sewer and water would be extended from Berkeley County. With its location at a major interchange the area is a good location for growth. The proposed map amendment would support this PGA by allowing for the extension of water, sewer and natural gas from Ranson. These utilities are especially important to the Village of Kearneysville which lacks access to adequate infrastructure to even maintain its current businesses and homes. A residential community on the Miller Property could support the growth of village scale commercial enterprises that were historically located in this area.

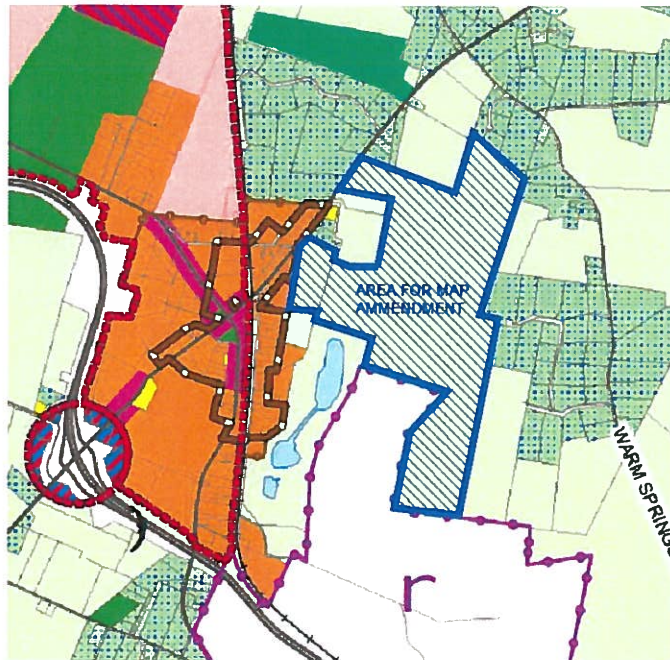


Figure 5 – Jefferson County Future Land Use Map

2. Urban Level Development Recommendations Direction (page 30)

2.	Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:
	a. Economic Well-Being of the County; or
	b. Error or Under Scrutinized Property on the Future Land Use Guide; or
	c. Change in Neighborhood; or
	d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
	e. Environmental impacts are considered.

The above list of requirements are found in the Comprehensive Plan and provide direction on justification the County Commission can use to make zoning map amendments. These conditions allow the County Commission to evaluate the individual circumstances of any parcel in Jefferson County in a manner that is not practical or possible during the preparation of a Comprehensive Plan.

Economic Well-Being of the County

- Residential Land Use – Jefferson County has not met the comprehensive plans growth projections of 0.95% per year and is only at 0.55% as of 2019. The lack of residential growth has impacted the strength of the local economy. While there are pockets of residential activity, the County is not benefiting from a robust residential economy.

The development of the proposed residential community will strengthen the ability of Jefferson County to grow and prosper. There are limited opportunities for residential growth in the western part of Jefferson County. This lack of residential development negatively impacts the growth and development of commercial services. Future residents would support restaurants, shops, and other services in the village of Kearneysville. They could walk/bike to this area enhancing the character of the village.

- Light Industrial Land Use – Jefferson County suffers from a lack of land with sufficient infrastructure to serve light industrial development. While there are still a number of small parcels available in the Burr Industrial Park there are no other options available to employers without the expenditure of significant money to extend infrastructure. This land will also be the only industrial development where natural gas is available to business.

The zoning map amendment would have a direct positive impact on the economic well-being of the County. It would attract investment and create jobs in Jefferson County.

Error or Under Scrutinized Property

- Residential Land Use/Light Industrial – during the preparation of the Comprehensive Plan from 2012-2014 the steering committee focused on the municipalities, villages, and major intersections on Route 9 and 340 as the probable destination for residential and light industrial development. This analysis failed to evaluate the logical extension of water and sewer, in part driven by upgrades related to a growing Burr Industrial Park. These factors have led to the upgrade of utilities that would serve residential development on the Miller Property. These properties would have been included within the growth area if water and sewer expansion plans had been included in the Comprehensive Plan.
- Jefferson Orchards Plan – while the Comprehensive Plan references this planned community in Ranson, it did not evaluate the document to determine the impacts on the Miller Property. The plan shows a direct connection via a 2-lane boulevard divided road with parallel parking to the Miller Property, clearly indicating that it would be part of a future development pattern.

Change in Neighborhood

The following changes to the neighborhood have occurred since the preparation of the Comprehensive Plan in 2012-2014.

- Water and Sewer – the property is now served by water and sewer. These utilities were designed for future expansion, anticipating development in this area. It is important to note that without extension of water and sewer through the land included in this application that the Route 9 PGA will likely not occur. Berkeley County has shown no interest in extending their utilities deep into Jefferson County.
- Natural Gas – the property is one of the few in Jefferson County where light industrial and residential development would have the benefit of a natural gas utility. The use of natural gas is supported in the Comprehensive Plan.
- Roads and Trails – it is rare for a new WVDOH road to be constructed in Jefferson County. Through a partnership with Ranson, the Department of Highways constructed Northport Avenue, this road will be extended to Route 480 through the land being rezoned. The project will also continue the trail system located on Route 9 and extended along Northport Avenue. The proposed rezoning would add a significant portion of new pedestrian/biker trails that is eventually expected to extend to Shepherdstown.
- Development – the Rockwool project brought significant changes to the development characteristics of this neighborhood. These changes validate the condition found on the Zoning Map Amendments as follows:
 - The construction of Rockwool was not evaluated in 2012.

- The elimination of residential development on the Jefferson Orchards property significantly reduced the adjacent land available to support the employment uses on this property.
- Ranson Rezoning – the rezoning approved by Ranson in 2017 changed the characteristics of this area. These changes support the zoning map amendment.



Figure 6 – Jefferson Orchards Land Development Plan

3. Urban Level Development Recommendations Direction (Page 31)

6.	Require new urban level development to provide opportunities for multi-modal accessibility and to occur in a manner that enables connectivity to existing street and infrastructure networks or for future connectivity as development is extended to municipalities, UGBs, PGAs, or Villages.
	a. Create and implement the results of small area studies that would address the potential provision of infrastructure, accessibility, place making, and community facilities.
	b. Require viable integration of multi-modal accessibility to facilities as part of new development plans.
	c. In coordination with the West Virginia Division of Highways, identify key corridors where publicly owned roadways might be beneficial to the overall development of the County.
	d. Coordinate with existing property owners/HOA's to extend existing roadway corridors when possible to connect into adjoining neighborhoods or new development. At a minimum, this may include pedestrian, non-motorized vehicle, and/or emergency access ways.

Transportation is a key consideration of land use and growth management in the Comprehensive plan. The rezoning is support by objectives 6.b and 6.c.

- 6.b – the proposed development area would have direct access to multi-modal pedestrian and bike trails. It would be the first residential subdivision in Jefferson County to have access to this trail system without first traveling on a roadway.
- 6.c – WVDOH has identified Northport Avenue as a key corridor for Jefferson County, whose development would benefit the County as a whole.

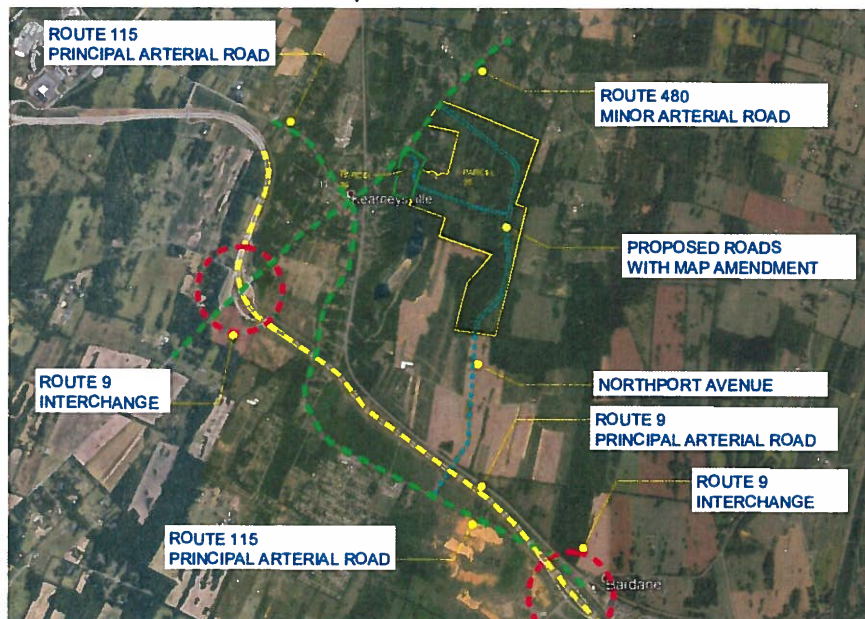


Figure 7 – Transportation Map

4. Village Objectives (Page 45)

3. Collaborate with key village stakeholders to implement and create water and sewer improvements, internal interconnections between adjacent commercial properties, area-wide shared stormwater and parking facilities within village centers.

Protection and enhancement of Jefferson County's villages is a theme in the Comprehensive Plan. Most of the villages are limited due to the lack of water and sewer which prohibits the development pattern of historic villages. While supported by the Comprehensive Plan, many of the characteristics of a village, small lots, commercial/residential mix, etc. are restricted by the subdivision and development ordinance. The rezoning of the subject properties would allow for the extension of water and sewer to the village of Kearneysville. These utilities would serve to revitalize this historic area.

5. Finance Recommendations (Page 141)

1. 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 proposed rezoning includes both a residential tax base and a light industrial tax base, achieving the noted finance recommendation. From a tax perspective the rezoning offers a huge increase in county taxes after development. The current tax for both properties is approximately \$2,100.00, this is less than one single family home in a new subdivision.

DISCUSS ANY CHANGES OF TRANSPORTATION CHARACTERISTICS FROM WHEN THE ORIGINAL ORDINANCE WAS ADOPTED

1. A 4-lane divided Route 9 was constructed, providing a high-capacity road corridor between Jefferson County and Interstate 81.
2. Two interchanges to a 4-lane divided highway have been constructed in close proximity to the property.
3. WVDOH is in planning to further upgrade the east west connection between Jefferson county and Interstate 81.
4. Northport Avenue was constructed, providing a direct connection to Route 115 and the interchange at Route 9 and Wiltshire Road.

DISCUS ANY CHANGES OF NEIGHBORHOOD CHARACTERISTICS FROM WHEN THE ORIGINAL ORDINANCE WAS ADOPTED.

1. Ranson annexed lands adjacent to and in close proximity to the subject properties.
2. Rockwool was constructed on the Jefferson Orchards property.
3. Jefferson Orchards was rezoned to Smart Code New Community, this zoning was modified in 2017 to support industrial development.
4. Commercial businesses in Kearneysville have greatly decreased.

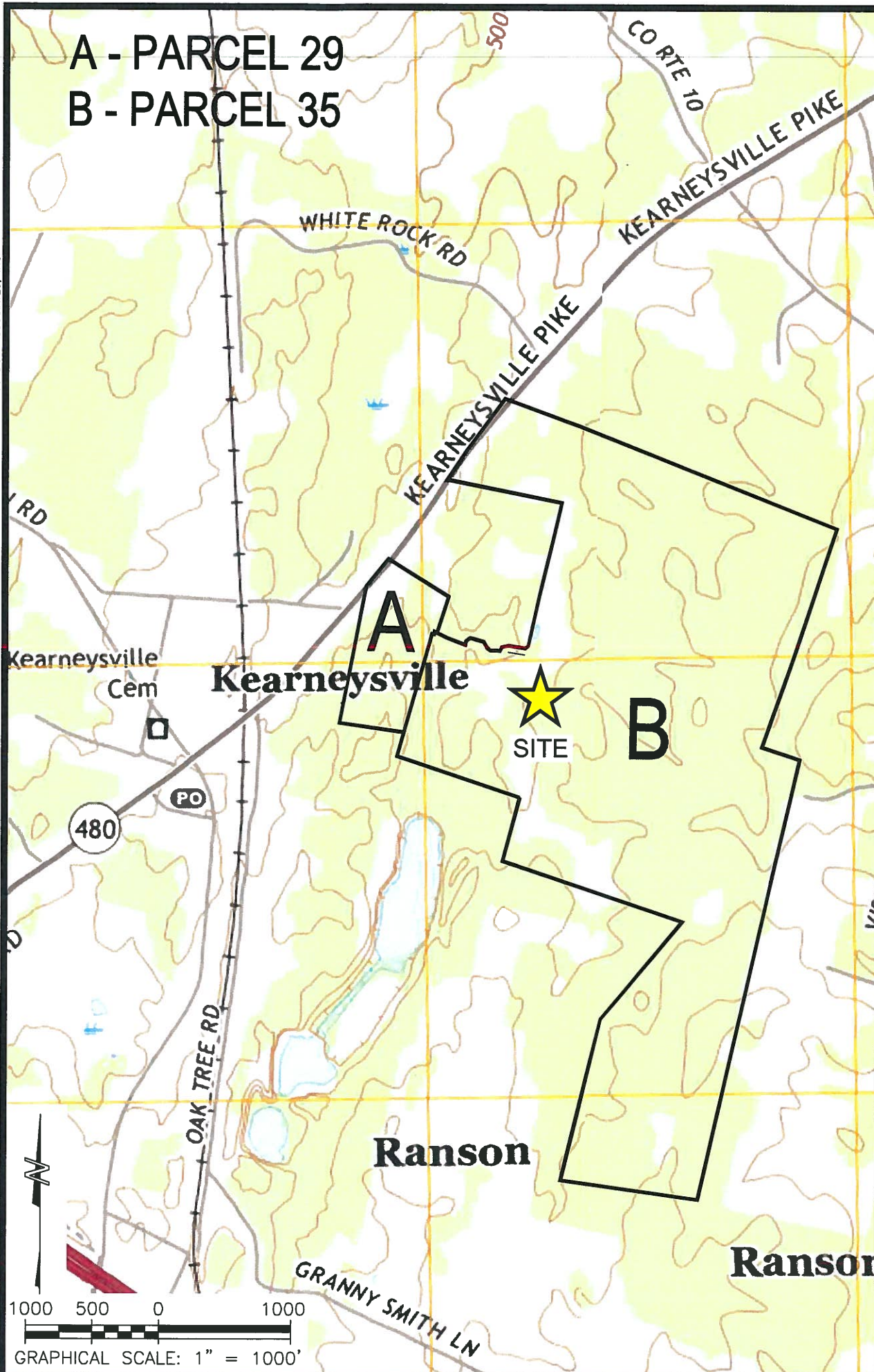
A - PARCEL 29
B - PARCEL 35

ZONING MAP AMENDMENT
EXHIBIT 1 - VICINITY MAP

04-07-2021

MILLER PROPERTY
JEFFERSON COUNTY, WV

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GRAPHICAL SCALE: 1" = 1000'