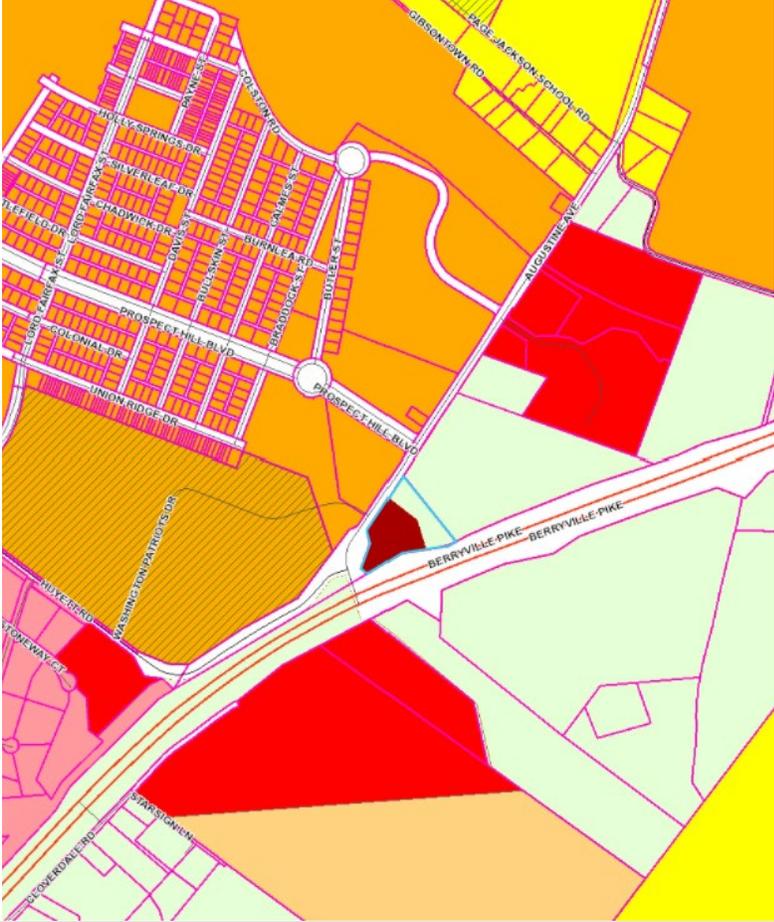


**Staff Report**  
 Jefferson County Planning Commission Meeting  
 March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

**Item # 8** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment by property owner Guy Chicchirichi to rezone the subject portion of a parcel from Rural to Highway Commercial is consistent with the 2035 *Envision Jefferson Comprehensive Plan*.

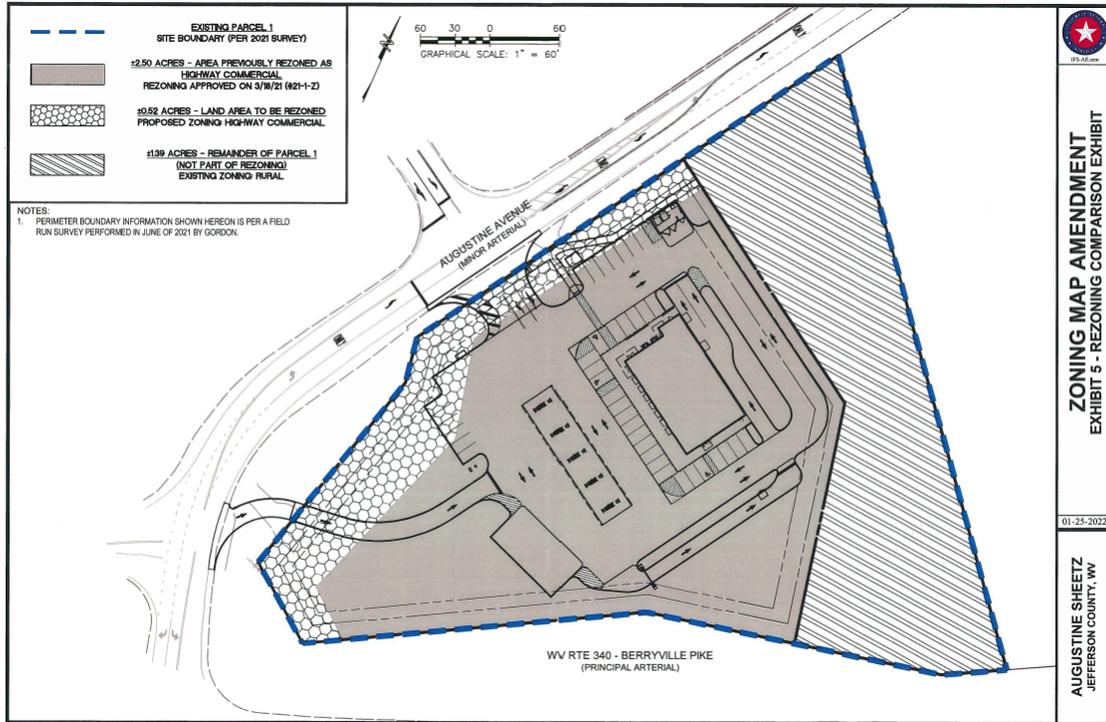
Owner:	Guy Chicchirichi
Applicant:	Bob Franks, Sheetz, Inc.
Consultant:	Chad Wallen, Integrity Federal Services
Property Location:	NE corner of Augustine Ave. & US 340 intersection, south of Charles Town
Legal Description:	<p style="text-align: center;">Charles Town (02); Tax Map: 16; Parcel: 1; DB1227/PG447;                  Proposed Area to rezone: 0.52 acres of a 4.42 acre site; Zoned: Rural</p> 
Surrounding Properties:	<p><i>Northeast:</i> Rural      <i>Northwest:</i> Neighborhood Residential (Charles Town)  <i>Southeast:</i> Rural      <i>Southwest:</i> General Commercial (Charles Town)</p>
Current Use:	Vacant; 2.5 acres of this parcel previously zoned to Highway Commercial (HC)
Proposed Request	To rezone an additional 0.52 acres from Rural to Highway Commercial (HC)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that while the request is not consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> Future Land Use Guide (Map), it does conform with other recommendations of the <i>Plan</i> .

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

**Applicant's Request**

In 2021, the applicant requested that a 2.5-acre portion of the 4.42-acre (File #21-1-Z; shown in gray below) be rezoned from Rural (R) to Highway Commercial (HC). This was approved by the County Commission on March 18, 2021. The current request is to rezone an additional 0.52 acres (shown below) from Rural to Highway Commercial (HC) to accommodate the full design of the proposed Sheetz Gas Station, Large, and Convenience Store.



**Existing Conditions/Neighboring Uses**

The proposed area to be rezoned is immediately adjacent to the previously rezoned 2.5 acres. This property is located on the north side US 340 across Augustine Avenue from the driveway into Washington High School and generally across from the Huntfield Subdivision.

Augustine Avenue is a two-lane state road leading southwest out of Charles Town. US 340 is a four-lane divided highway going east-west across Jefferson County. The intersection essentially functions as a T intersection; however, there are properties zoned General Commercial in the city of Charles Town on the south side of US 340 with access to this intersection.

This intersection is served by traffic light and has left turn lanes in both directions. US 340 is one of two roadways that are designated as Principal Arterials in Jefferson County. Principal Arterials are defined as highways that provide higher speed travel and mobility for long distance trips to and through communities and to minor arterials and collector routes. Access may be limited by medians as in this area.

**Scope of this Assessment**

This staff report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that while

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

the original 2.5 acre request and this 0.52 acre request is not consistent with the Future Land Use Guide (Map) of the *2035 Plan*, because it is designated as Future Large Lot Residential, it is located within the Charles Town Urban Growth Boundary (UGB), which is slated for urban development, and is consistent with other recommendations of the text of the Plan as discussed below.

It should be noted that Staff have no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

**Zoning Map Amendment Public Hearing Process**

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “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.” [See WVC 8A-7-9(c)].

**Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary**

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

**A. Land Use and Growth Management Element: Charles Town Urban Growth Boundary (UGB)**

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17): Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) are the areas of Jefferson County where urban scale development is to be targeted; and Rural/Agricultural Areas and Villages, are where limited development is possible, but not intended for urban-scale development.

The *Envision Jefferson 2035 Plan* recommends that new development should 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 the *Plan*. By encouraging higher densities within the Urban Growth Boundaries and Preferred Growth Areas and working closely with municipalities, the best result can be accomplished by providing opportunities for development within these areas with established infrastructure systems. It also noted that these statements are not about reducing development, but about growing in a fashion that more efficiently uses existing infrastructure and services (p.27).

Goal #1 of the *Plan* clearly states that the goal is to 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. (p. 190) The fifth recommendation under this Goal is to “create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations” (p.30).

The property which is the subject of this request (both the previously rezoned 2.5 acres and this 0.52 acre request) is located within the Charles Town Urban Growth Boundary (See Section B below).

**Staff Report**  
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March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

The proposed “Gas Station, Large” is the type of urban non-residential land use that should be located within an Urban Growth Boundary. It is a Principal Permitted Use in the proposed Highway Commercial (HC) Zoning District.

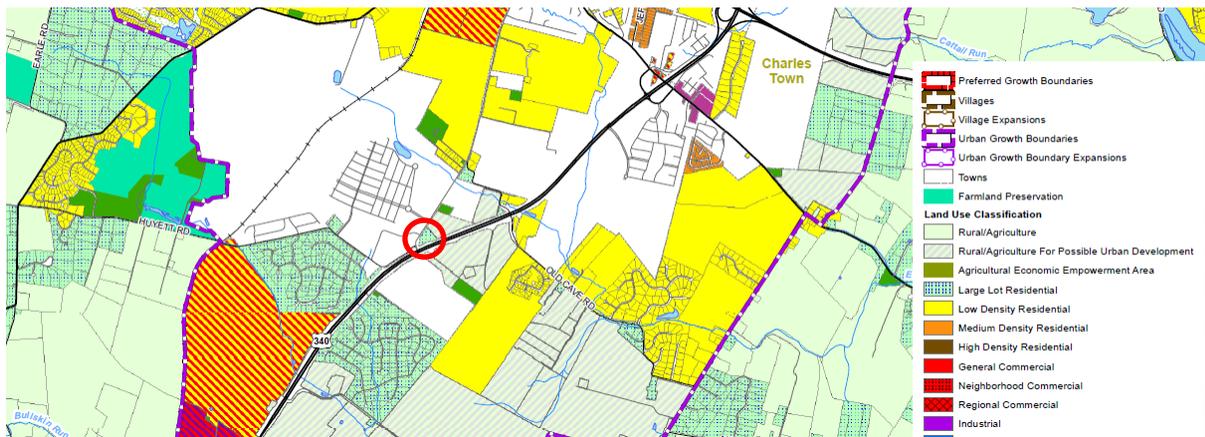
**B. Future Land Use Guide/Map**

The property in question is located within the Charles Town Urban Growth Boundary (UGB) and is designated as Future Large Lot Residential.

The discussion of the Urban Growth Boundary in the *Plan* (pp 18-19) explains that the *Plan* expects that properties within the UGB may be annexed into the adjoining municipality that created the UGB; however, property located within the UGB could choose not to annex and 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.

It further explains that within the UGBs, an intentional decision was made to depict property as it is either zoned or used. As such, there are large tracts of land designated rural, which are not expected to remain rural in the future. Because the properties in the UGB could develop either within the municipalities through annexation or in the County, it was determined that it was best to show the existing land uses or zoning designation, including rural zoning, on the Future Land Use Guide within the UGB. It is not the intention of the Future Land Use Guide or this Plan for these areas to remain rural; the designation is temporary until the property owner determines if they desire to develop in either the municipality or the County.

The excerpt from the Charles Town UGB Future Land Use Map below reflects that decision and identifies most of the Rural land as “Rural/Agriculture for Possible Urban Development”; however, it appears that a few random lots identified as existing “large lot residential” were not provided with alternate future land use designations. It seems reasonable for the Planning Commission to find that the intention of the Plan was for all non-urbanized land within the UGB to be anticipated to have a future urban land use proposed, such as the proposed gas station; particular as this is an expansion of a previously approved rezoning for the same purpose.



**Proposed Zoning District – Highway Commercial (HC)**

This petition is requesting that an additional 0.52-acre portion of the parcel, immediately adjoining the previously rezoned 2.5-acres portion of this property, be rezoned to Highway Commercial (HC). If approved, the combined 3.0+/- acre is portion of the property will be subdivided along the zoning

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

boundary. The purpose of the Highway Commercial (HC) District (Section 5.13) is to “provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways” (complete description attached). The purpose statement further states that uses in this zone may have a greater impact on surrounding areas as a result of significant truck traffic and other factors and may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses. The proposed location for the proposed “Gas Station, Large” is immediately north of a limited access four lane highway with a traffic light, which should be adequate for the expected traffic. Proposed access will be from Augustine Avenue, which is a state road (WV 340/18) and currently includes turn lanes related to the High School. Approval of access points and whether additional turn lanes are required will be the responsibility of the WV DOH.

**Staff Recommendation**

Staff finds that although the proposed rezoning of the original 2.5 acres and this 0.52 acres from the same parcel, from Rural (R) to Highway Commercial (HC), are not consistent with the Future Land Use Guide (Map) of the *2035 Plan* because it is designated as Future Large Lot Residential, the 3.0 +/- acres are located within the Charles Town Urban Growth Boundary (UGB), which is the area in which the *Plan* states urban level development should occur, and is consistent with other recommendations of the text of the *2035 Plan*.

**Planning Commission Action**

Article 12 of the Zoning Ordinance and the relevant sections of WV State Code requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation is required to be sent to the County Commission prior to the County Commission’s public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on February 3, 2022 and the required Public Hearing has been scheduled on March 17, 2022. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

**Attachments:**

- Section 5.13 Highway Commercial (HC) District

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

**ATTACHMENTS:**

**Section 5.13 Highway Commercial (HC) District** *(as amended 12/17/20)*

- A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large buildings that exceed 100,000 square feet of gross floor area for an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.
- B. Location. This zoning category is intended for use on properties:
  - 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  - 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
  - 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.32
  - 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.32
- D. Site Development Standards
  - 1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
- E. Additional Requirements
  - 1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.



Jefferson County, West Virginia  
 Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
 116 E. Washington Street, 2<sup>nd</sup> Floor, P.O. Box 716  
 Charles Town, West Virginia 25414

File #: 22-2-2  
 Date Rec'd: 01/26/22  
 Fees Paid: 1050-  
 Staff Int: gt

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto: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.

**Property Owner Information**

Owner Name: Guy Chicchirichi  
 Business Name: \_\_\_\_\_  
 Mailing Address: 1316 N. mildred Street, Ranson, WV 25438  
 Phone Number: 304-279-0556 Email: gchicc@frontiernet.com

**Applicant Contact Information**

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

**Consultant Information**

Name: Chad Wallen  
 Business Name: Integrity Federal Services  
 Mailing Address: 148 S. Queen Street, Suite 201, Martinsburg, WV 25401  
 Phone Number: 304-725-8456 Email: cwallen@ifs-ae.com

**Physical Property Details**

Physical Address: Northeast of Augustine Avenue/Route 340 intersection Vacant Lot:   
 Tax District: 02-Charles Town Map No: 16 Parcel No: Portion of #1  
 Parcel Size: 0.52 Acres to be rezoned Deed Book: 1227 Page No: 447

**Current Zoning District**

Rural (R)

**Proposed Zoning District**

Highway Commercial (HC)

---

**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.

---

See Attached

---

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 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, 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.

 1/24/22  
Property Owner Signature\*                      Date

Property Owner Signature\*                      Date

\*The **original** signature of the property owner is required. A copy of the signature will not be accepted.

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.

# **Zoning Map Amendment Application Addendum**

## **Augustine Avenue Sheetz**

January 25, 2022

### **Owner:**

Guy Chicchirichi  
1316 N. Mildred St  
Ranson, WV 25438

### **Applicant:**

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

### **Property Tax Identification:**

Charles Town District (9), Map Number 16, Portion (3.0 acres) of Parcel 1. A subdivision or boundary line adjustment will be processed to divide the area of rezoning into its own parcel.

### **Deed Information:**

Deed Book 1227, Page Number 447

### **Property Characteristics:**

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

Current Zoning: Rural (R)

Current / Historic Use: Vacant / Agricultural

Tract Size: 4.4+/- Acres

Area of Rezoning: 0.52+/- Acres

### **Table of Exhibits & Attachments**

1. Vicinity Map
2. Aerial Overlay
3. Existing Conditions
4. Concept Plan
5. Rezoning Comparison Exhibit
6. County Commission Meeting Minutes (3-18-2021)
7. Planning Commission Meeting Minutes (3-9-2021)

**Zoning Map Amendment Summary**

On March 18, 2021, the County Commission approved a zoning map amendment request to convert 2.5 acres of the 4.4-acre parcel from Rural to Highway Commercial. Since that approval the property has moved through the development review process of Jefferson County.

During this process, a boundary survey was conducted and revealed the actual boundary was different than shown on County tax map information, which the original rezoning was based. The updated boundary information and engineering design requires that an additional 0.52 acres be added to the project and Highway Commercial zone.

The proposed use has not changed, the rezoning of an additional 0.52 acres is consistent with the comprehensive plan as determined with the previous Planning Commission recommendations and approval by the County Commission.

The following substantiation for request and supporting documentation is provided as submitted in 2021. Meeting minutes from the previous rezoning and an exhibit demonstrating the boundary discrepancy has been included as part of this submission.

**Substantiation for Request**

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



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



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

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

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



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

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

- **Future Land Use Guide**

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



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

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

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

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

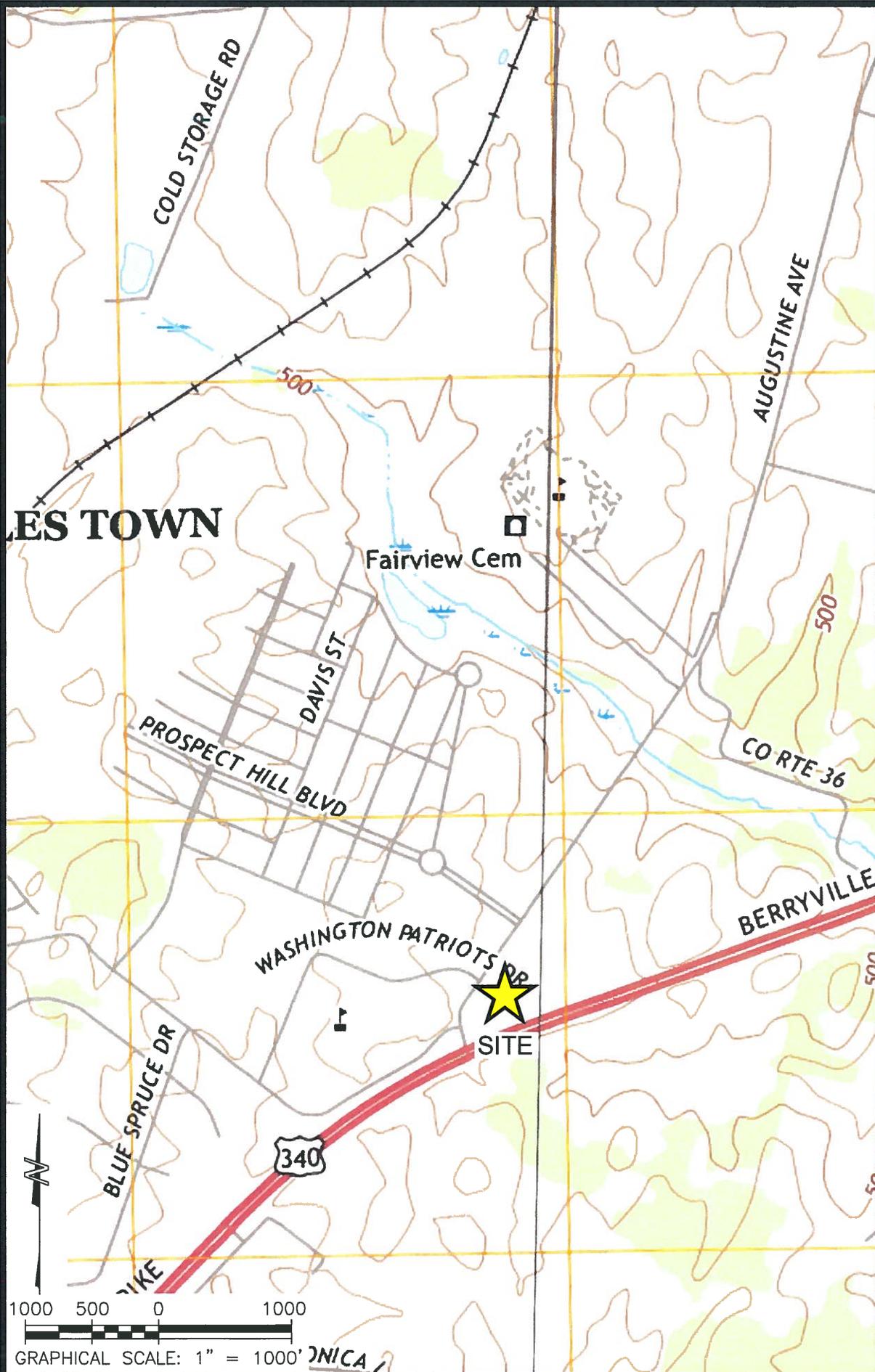


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# ZONING MAP AMENDMENT EXHIBIT 1 - VICINITY MAP

01-19-2021

AUGUSTINE SHEETZ  
JEFFERSON COUNTY, WV



ES TOWN

Fairview Cem

DAVIS ST

PROSPECT HILL BLVD

WASHINGTON PATRIOTS RB

SITE

AUGUSTINE AVE

BERRYVILLE

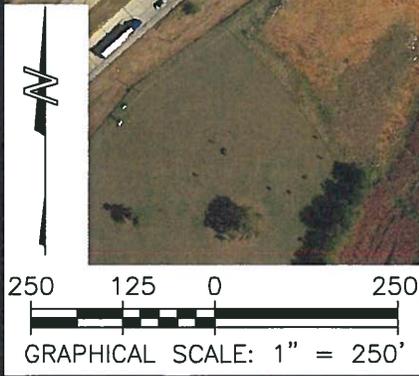
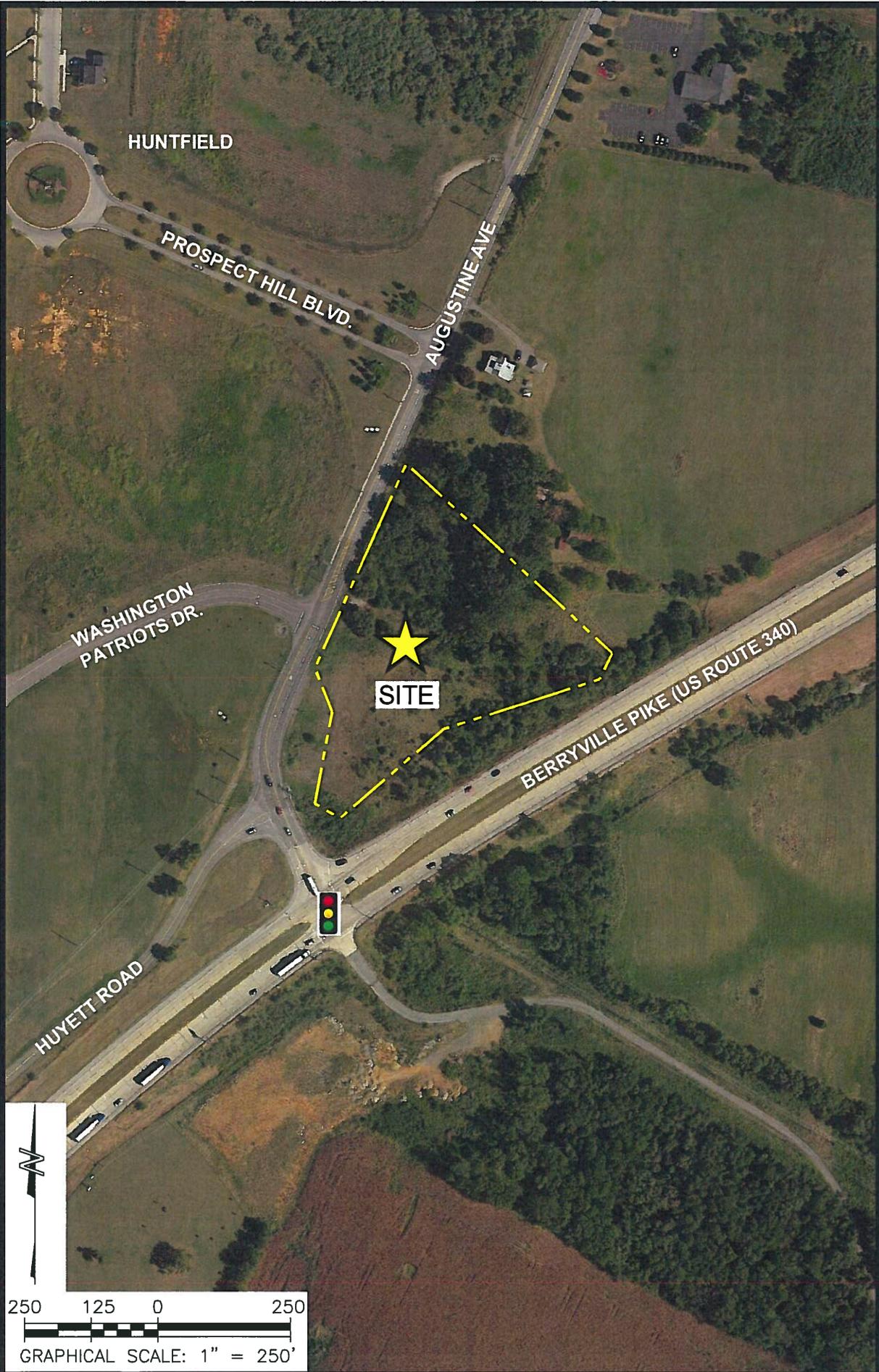
CO RTE-36

1000 500 0 1000

GRAPHICAL SCALE: 1" = 1000'



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# ZONING MAP AMENDMENT EXHIBIT 2 - AERIAL OVERLAY

REVISED  
1-25-2022

01-19-2021

**AUGUSTINE SHEETZ**  
JEFFERSON COUNTY, WV



**ZONING MAP AMENDMENT**  
**EXHIBIT 3 - EXISTING CONDITIONS**

REVISED  
01-25-2022  
01-19-2021

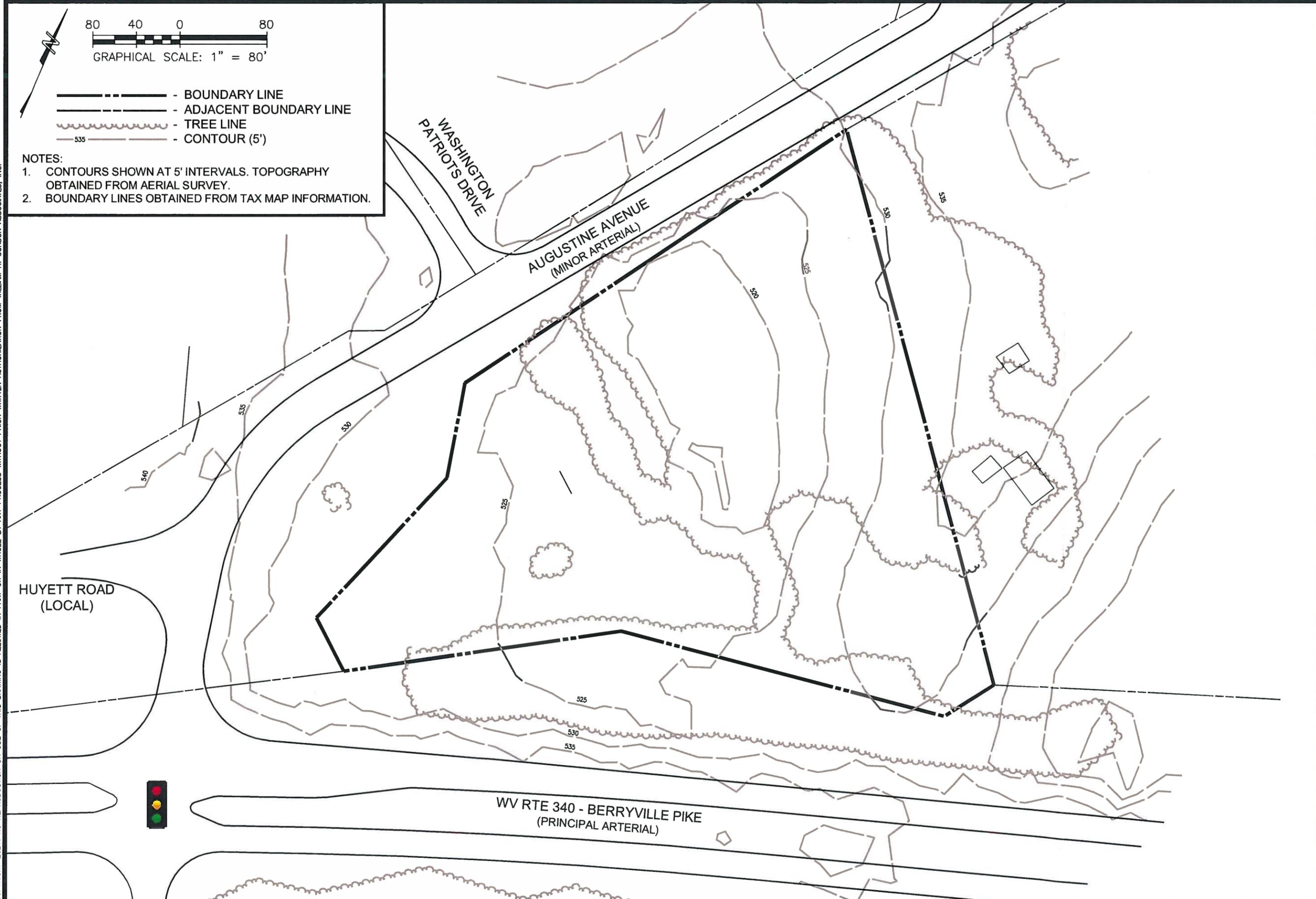
**AUGUSTINE SHEETZ**  
JEFFERSON COUNTY, WV



-  - BOUNDARY LINE
-  - ADJACENT BOUNDARY LINE
-  - TREE LINE
-  - CONTOUR (5')

- NOTES:
1. CONTOURS SHOWN AT 5' INTERVALS. TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.
  2. BOUNDARY LINES OBTAINED FROM TAX MAP INFORMATION.

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**ZONING MAP AMENDMENT  
EXHIBIT 4 - CONCEPT PLAN**

01-19-2021

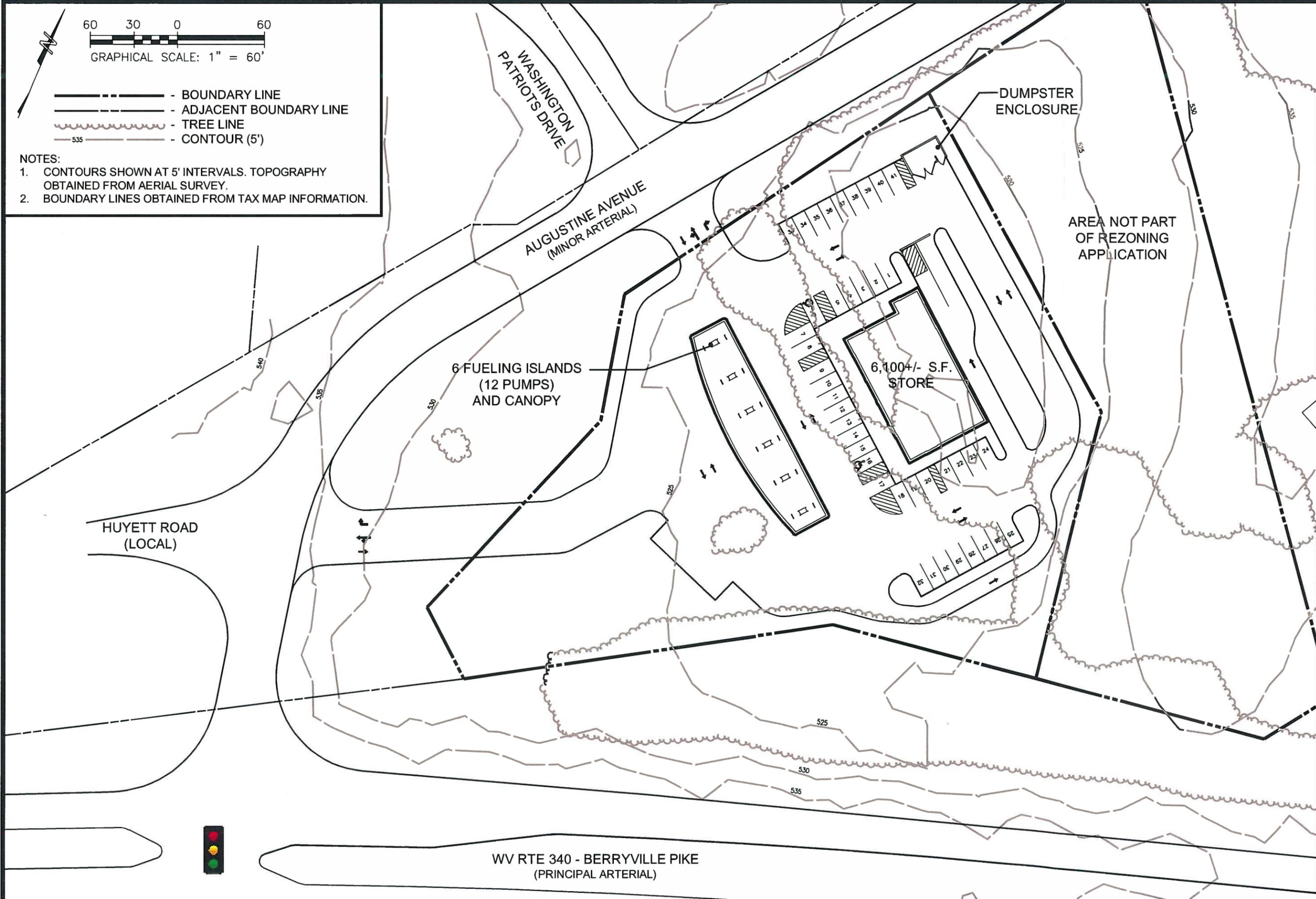
**AUGUSTINE SHEETZ  
JEFFERSON COUNTY, WV**



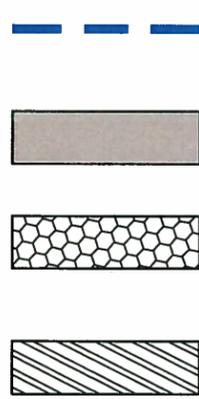
- BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- TREE LINE
- CONTOUR (5')

NOTES:  
 1. CONTOURS SHOWN AT 5' INTERVALS. TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.  
 2. BOUNDARY LINES OBTAINED FROM TAX MAP INFORMATION.

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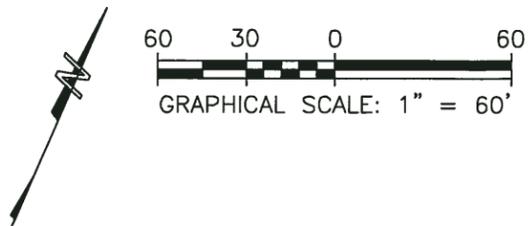


**EXISTING PARCEL 1**  
**SITE BOUNDARY (PER 2021 SURVEY)**

**±2.50 ACRES - AREA PREVIOUSLY REZONED AS**  
**HIGHWAY COMMERCIAL**  
**REZONING APPROVED ON 3/18/21 (#21-1-Z)**

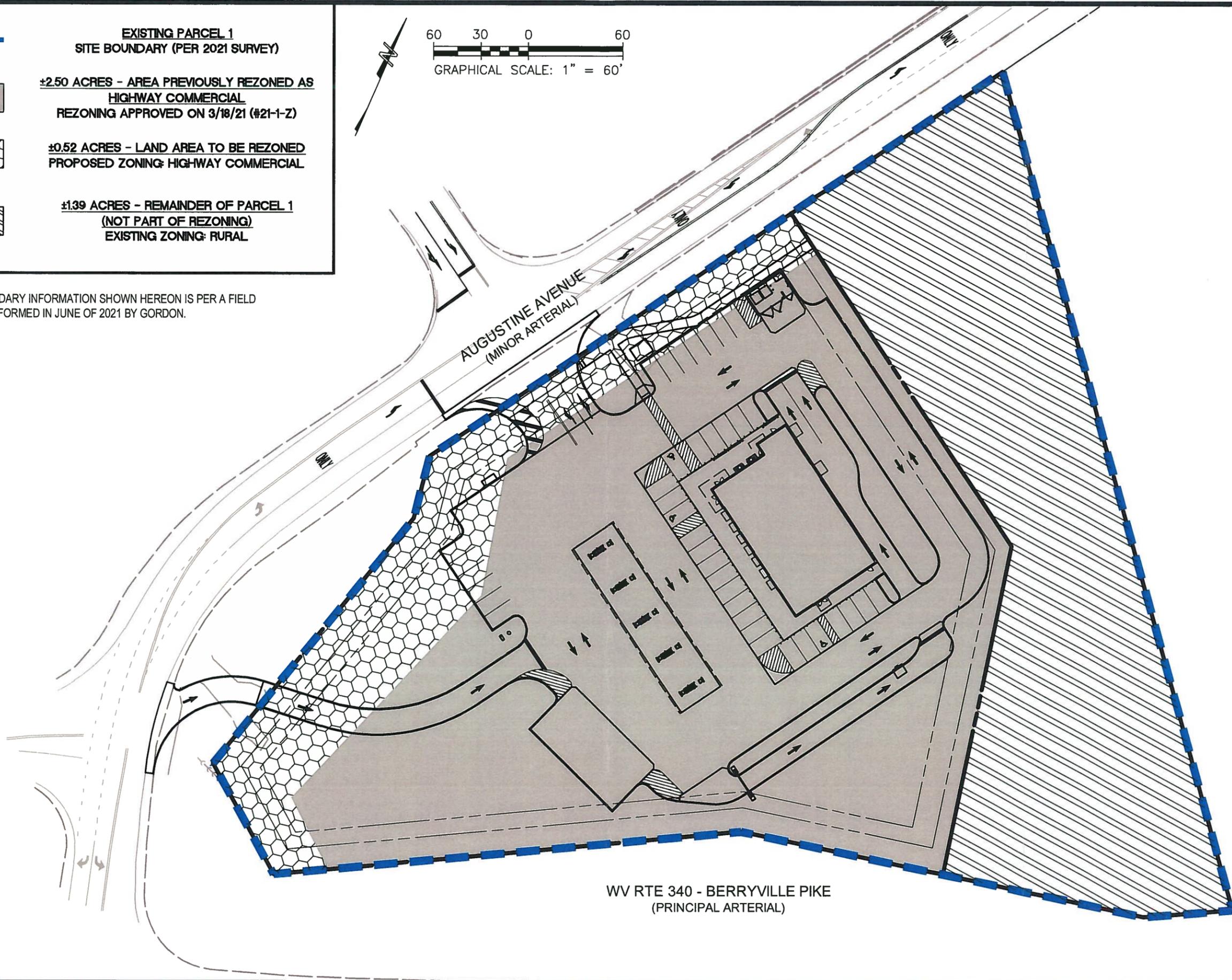
**±0.52 ACRES - LAND AREA TO BE REZONED**  
**PROPOSED ZONING: HIGHWAY COMMERCIAL**

**±1.39 ACRES - REMAINDER OF PARCEL 1**  
**(NOT PART OF REZONING)**  
**EXISTING ZONING: RURAL**



**NOTES:**

1. PERIMETER BOUNDARY INFORMATION SHOWN HEREON IS PER A FIELD RUN SURVEY PERFORMED IN JUNE OF 2021 BY GORDON.



**ZONING MAP AMENDMENT**  
**EXHIBIT 5 - REZONING COMPARISON EXHIBIT**

01-25-2022

**AUGUSTINE SHEETZ**  
**JEFFERSON COUNTY, WV**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
869	AV/56	MONROE		\$ 609.00
1273	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 121,328.87
1274	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 2,396.77
1275	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 9,438.21
1276	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 1,020.89
<b>TOTAL</b>				<b>\$ 134,793.74</b>

**Motion by Mr. Compton to approve the Manual Checks for March 19, 2021 in the amount \$134,793.74. Motion seconded and unanimously approved.**

### PAYROLL APPROVAL

**Motion by Ms. Tabb to approve the Payroll for March 4, 2021 in the amount of \$280,406.04. Motion seconded and unanimously approved.**

### PUBLIC COMMENT

Public Comment was received by the following: Amanda Stroud

Please refer to the archived meetings on the jeffersoncountywv.org website to listen to public comment.

### PRESENTATIONS

#### 1. Public Hearing

- Zoning Map amendment (rezoning) for property designated as Tax District: Charles Town (02); Tax Map: 16; Parcel: 1. The property is located northeast of Augustine Avenue and Route 340 intersection in Charles Town, WV.

- o Vice President Stolipher recused himself and President Compton opened the public hearing at 6:30 pm. Chad Wallen, representation for the applicant, explained the requested amendment and Jennie Brockman, Planning Director, stated the Planning Commission found the request to compatible with the Comprehensive Plan. Public comments were made by the following:

- Amanda Stroud, Resident – spoke in favor of the rezoning request.
- Richard Ziegler, Resident – spoke in favor of the rezoning request.

- There being no further public comment, motion by Mr. Compton to close the public hearing and approve the Sheetz Zoning Map Amendment (Rezoning) Request for the 2.5 acre portion of the property identified as Tax District: Charles Town (02); Tax Map: 16;

**Parcel: a portion of parcel 1 located northeast of Augustine Avenue/Route 340 intersection and rezone 2.5 acres of the 4.4 acre parcel from Rural to Highway Commercial. Motion seconded and passes 3-1 with Commissioner Tabb opposing and Commissioner Stolipher abstaining.**

2. Michelle Gordon, Finance Director

a. Review and Approval of the FY2021-2022 Draft Budget (Levy Estimate)

- **Motion by Mr. Compton to approve the release of the FY2021-2022 Draft Levy Estimate as amended by Ms. Gordon. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to amend Mr. Compton's motion to include merit and COLA increases for all county employees to approved in the FY2021-2022 Draft Levy Estimate in the amount of \$270,000 contingent upon receipt of the first American Rescue Plan payment and final guidance that allows for use of the funds in the proposed manner. Motion dies for lack of a second.**

b. Review of FY21 financials as of 02/28/2021

c. FY21 COVID19 Emergency Financial Policy

- **Motion by Ms. Tabb to amend the COVID-19 Emergency Financial Policy and remove the restrictions on equipment, materials, and supplies, contracted and professional services and vacant positions and leave the four other categories in effect. Motion seconded and unanimously approved.**

d. Revisions to Policy 304 P-Card Procedures

- **Motion by Mr. Compton to approve County Policy 304 – P-Card Procedures as presented by Ms. Gordon on March 18, 2021 and effective March 18, 2021. Motion seconded and unanimously approved.**

Meeting Minutes  
Jefferson County Planning Commission  
March 09, 2021

The Jefferson County Planning Commission met on March 9, 2021 at 7:01 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Jack Hefestay, Ron Thomas, Shane Roper, Steve Stolipher, Matt Knott and Jay Ware.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney, Jennilee Hartman, Zoning Clerk and Alice Johns, Planning Clerk.

By order of the President, the Planning Commission meeting was held virtually via ZOOM. Access information was made available on the agenda and packet, which were posted to the County website.

The Planning Clerk conducted a roll call. Mr. Shepp verified that there was a quorum and called the meeting to order at 7:01 PM.

1. **Approval of Meeting Minutes:** February 9, 2021 and February 23, 2021. The minutes were approved as submitted.
2. **Citizen Communication:** Citizens were able to sign up for this item utilizing the chat function in ZOOM. There were no citizen communications.
3. **Request for postponement:** None
4. **Public Hearing:** Waiver from Section 20.201B.3, which requires all lots in Minor Family Transfer Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 40' access easement instead of the required 50' access easement for the creation of a family transfer parcel. Owner: Donna Bent. Property Location: 1332 Billmyer Mill Road, Shepherdstown, WV. Tax District: Shepherdstown (9); Tax Map: 6; Parcel No: 5.6. Total Project Size: 10.38 acres; Zoning District: Rural. (File # 21-3-PCW; discussion and possible action)

Ms. Brockman presented an overview of her staff report to the Commission. The applicant is proposing a family transfer lot for her parents at the southern end of the property and would like to use the existing 40' access easement. The required 50' easement is not possible as the road frontage on Billmyer Mill Road is less than 50 feet. Ms. Brockman noted that the applicant had previously received a setback variance from the existing 40' access easement for existing structures. Staff recommended that if the Planning Commission is inclined to approve the waiver, it should be limited to the one proposed Family Transfer lot for a maximum of three lots.

Ms. Bent, the applicant, was on the ZOOM call and had no further comment.

Mike Shepp, opened the item for public comment. There was no public comment.

Mike Shepp, closed the item for public comment.

Jack Hefestay made a motion to approve the request, which carried unanimously.

Mr. Steve Stolipher recused himself from items #5 and #6 below.

5. **Discussion and Recommendation:** Planning Commission review and recommendation to the County Commission regarding whether the Zoning Map Amendment to rezone the subject parcel from Rural to Highway Commercial is consistent with the 2035 Comprehensive Plan. Owner: Guy Chicchirichi. Applicant: Bob Franks, Sheetz, Inc. Property Location: Northeast of Augustine Avenue and Route 340 intersection in Charles Town. Parcel ID: Tax District: Charles Town (02); Tax Map: 16; Parcel 1. Proposed size: 2.5 acres (File # 21-1-Z).]

Ms. Brockman presented an overview of her staff report to the Commission and stated that the Planning Commission is required to recommend to the County Commission whether the request is consistent with the Comprehensive Plan. The *Envision Jefferson 2035 Comprehensive Plan* generally recommends that all urban development occur within the Urban Growth Boundaries shown on the Future Land Use Guide. She noted that the most of the properties within the Urban Growth Boundaries which are zoned rural are shown as “rural/agriculture land for possible urban development” on the Future Land Use Guide Map; however this particular property is shown as future Large Lot Residential.

The proposed rezoning is located within the Charles Town Urban Growth Boundary at the intersection of Augustine Avenue (a two lane road from town) and US 340 (a four-lane divided federal highway). Access is proposed from Augustine Avenue directly across the street from Washington High School’s driveway. There are existing turn lanes on Augustine Avenue related to the high school and there is a traffic light at US 340 and Augustine Avenue. WV DOH will determine if additional turn lanes will be required for the Sheetz. A traffic impact study has been completed.

Staff recommended that while the future land use map may not show this as future highway commercial, other portions of the Comprehensive Plan recommend that all this rural and undeveloped land within the Urban Growth Boundary be developed at Urban Level Density.

Mr. Mark Dyck with Gordon explained that the property in question used to be larger, but when the US 340 Bypass was constructed, the eastern half of the project became a part of the DOH right-of-way. The remainder of the parcel has been vacant since US 340 was constructed. Mr. Dyck stated that the location of this parcel is suitable for highway/commercial use and would not be suitable for residential development due to the noise and visual impacts of US 340 by pass. The development of a Sheetz at this location will serve the US 340 traveling public, keeping money in the county that is currently flowing to Clarke County. There is water/sewer available to serve to the property.

Mark with Gordon also stated that there is coordination between the Department of Highways to address the entry and exit at this location. He further stated that a Traffic Engineer and a representative with Sheetz were also on the line to address any further questions.

Mr. Hefestay inquired about the existing trees on the property. Mark with Gordon stated that the majority of the trees are on the eastern edge of the property (which is not part of the rezoning request). Any trees which are part of the rezoning request would need to come down.

Mr. Shepp requested clarification regarding the parcel as pictured on the graphic. Ms. Brockman clarified that the entire parcel (4.42 acres) was outlined in blue and that only the 2.5-acre western portion of the property is proposed for rezoning and would require subdivision. Ms. Brockman further clarified that the area around this property is partly in the City of Charles Town and partly in the County and described the various land uses and zoning.

Mr. Hefestay made a motion to recommend to the County Commission that the requested Zoning Map Amendment is in conformance with the Comprehensive Plan. The motion was seconded by Shane Roper, and passed unanimously.

- 6. Discussion and Possible Action:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance; File # ZTA19-03, to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment proposes revisions to