

Meeting Minutes
Jefferson County Planning Commission
July 12, 2022

The Jefferson County Planning Commission met on July 12, 2022 at 7:00 pm with the following Planning Commission members present: Wade Louthan, Secretary Liaison and Jack Hefestay were present in person. Other commissioner attended via ZOOM Mike Shepp, President; Matt Knott, Vice President; Steve Stolipher, County Commission; Ron Thomas, and Shane Roper. Donnie Fisher and J Ware was absent with notice.

Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders County Engineer; Nathan Cochran, County Attorney; and Tanya Lyons Planning Clerk.

The Planning Commission meeting was held as a hybrid meeting. The hybrid meeting information was made available on the agenda and packet, which were posted to the County website.

Mr. Louthan, Vice President, ran the meeting and called the meeting to order at 7:08 pm. and confirmed that a quorum was present.

The recording for the first part of the meeting was not successful.

1. Approval of the meeting minutes:

Hearing no objection, Mr. Louthan approved the June 14, 2022 minutes as presented.

- 2. Request for postponement.** Item # 6 Public Hearing Rock Ferry Station Lot 32 Final Plat Amendment for a future meeting
- 3. POSTPONED - Public Hearing:** Rock Ferry Station Lot 32 Final Plat Amendment. This proposal is to modify the 300' conservation buffer area on Lot 32. Applicant: Clint Curtis; Property Owner Clint Curtis & Cassandra Maximin; Property Location: Vacant Parcel on Eagle Landing Rd Harpers Ferry, WV; Parcel ID: 06002200140032; Size: 3.26 acres; Zoning District: Rural; File: 22-4-FPA.
- 4. Public Hearing:** Augustine Avenue Sheetz Major Site Plan for a Gas Station, Large, including a 6,077 sq. ft. convenience store with drive-thru, 5 fueling islands with canopy, roadway, stormwater management areas and associated infrastructure. Applicant: Bob Franks, Sheetz, Inc. Property Owner: Guy Chicchirichi; Property Location: NE of US 340 & Augustine Ave. Intersection, Charles Town, WV Parcel ID: 02001600010000; Size: 3.02 ac; Zoning District: Highway Commercial. File: 21-4-SP.

Mr. Stolipher recused himself from this item due to a potential conflict of interest.

Ms. Brockman provided an overview of the staff report, reminding the Planning Commission that it was determined at the July 2022 Planning Commission meeting to process this as a Major Site Plan and the subdivision as a Minor Subdivision. The new Augustine Avenue Sheetz meets the definition for a Gas Station, Large, and includes a 6,077 sq. ft. convenience store with a drive-thru, 5 fueling islands with canopy, roadway, stormwater management areas and associated infrastructure.

Mr. Jason Gerhart, IFS, represented the applicant, and provided an overview of the proposed project.

Mr. Louthan opened the public hearing. No members of the public spoke.

Mr. Louthan closed the public hearing.

Mr. Hefestay made a motion to approve the Major Site Plan conditioned on addressing any outstanding staff comments on the 4th review of the plan and the placement of the approved permit numbers from the WVDOH and CTUB; Mr. Knott seconded the motion; and it was approved unanimously.

There is no public comment for the following items.

5. **Discussion and Action for a Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject properties, which are a part of the Summit Point Motorsports Park and Summit Point Training Campus, from Rural (R) to General Commercial (GC) is consistent with the Envision Jefferson 2035 Comprehensive Plan. Owner/Applicant: Summit Point Automotive Research Center, LLC. Property Location: Multiple properties southwest of the Village of Summit Point, WV, south of Summit Point Road, including, but not limited to, properties located on Motorsports Park Circle, Shenandoah Circuit Road, Summit Point Circuit Road, Jefferson Circuit Road, Skid Pad Road, and Training Campus Road. Tax District: Kabletown (06), Map: 16, Parcels 11, 11.1, 11.2, 11.11, OSA and Map 17, Parcels: 2, 2.1, 2.2, 3.1, 5, 9. Acreage: approximately 717 acres of the total 772.45 acres. Zoning District: Rural. File: 22-3-Z.

Ms. Jennifer Brockman described the location of the property in question and provided an overview of the staff report related to the applicant's request to rezone approximately 717 acres of the total 772.45 acres from Rural (R) to General Commercial (GC). Ms. Brockman described the recommendations of the Land Use and Growth Management Element and the Future Land Use Guide of the *Envision Jefferson 2035 Comprehensive Plan* as it relates to this property. The staff recommendation was that the ZMA request is not consistent with the *2035 Plan* because it is outside all Urban Growth Boundaries and Preferred Growth Areas and is shown as future "Rural" on the Future Land Use Guide. She reminded the Planning Commission that their only role to provide a recommendation to the County Commission related to consistency with the *2035 Comprehensive Plan*. The County Commission has the required Public Hearing scheduled for July 21, 2022.

Mr. Mark Dyck with IFS, consultant for the applicant, and Mr. Jeff Johnson, President of SPARC Raceway Associates, provided an overview of the existing SPARC facility focusing on the number of employees, how their motorsports, training and tourism activities support local businesses and why they believed that the proposed zoning category would allow them to expand and adapt more effectively than utilizing the non-conforming use and conditional use processes. Mr. Dyck presented their argument related to why their request could be supported by the *2035 Plan*.

The Planning Commission discussed the request and the *2035 Plan*. Mr. Shepp noted that SPARC is an outstanding facility and an asset to the community, but that he believes that the request is not consistent with the *2035 Plan*.

Mr. Ron Thomas recommended that the Planning Commission go into Executive Session for the purpose of receiving legal advice on the proposed zoning map amendment. Mr. Wade Louthan made the motion to go into Executive Session for the purpose of receiving legal advice related to the proposed amendment; Jack Hefestay seconded the motion, which carried unanimously.

The recording begins at this point in the meeting.

At 8:08 p.m. Mr. Wade Louthan made a motion to come out of Executive Session; Jack Hefestay seconded; which passed unanimously.

Ms. Brockman reminded the Planning Commission members that they are required to make a recommendation to the County Commission regarding whether the request is in conformance with the *2035 Comprehensive Plan*, or if it is not, whether the other language of WV Code §8A-7-9 can be applied to the recommendation.

Mr. Ron Thomas made a motion to recommend to the County Commission that the requested Zoning Map Amendment from Rural to General Commercial is not in conformance with the adopted *2035*

Comprehensive Plan. Mr. Mike Shepp seconded the motion.

Mr. Louthan asked for discussion. Mr. Jack Hefestay asked for some clarification on the motion before the vote is taken. He agreed that the request is not consistent with the *2035 Comprehensive Plan* and wanted to amend the motion. Ms. Brockman explained that the Planning Commission can agree that the request is not consistent and just send that recommendation to the County Commission, because the County Commission makes the final decision after the Public Hearing.

Mr. Jack Hefestay proposed an amendment to the motion to state that, per WV Code §8A-7-9, if the amendment is found to be inconsistent, then planning commission, must recommend to the County Commission to find that “there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted, and those changes have substantially altered the basic characteristics of the area”.

Mr. Thomas and Mr. Shepp accepted the amendment to the motion.

The motion passed unanimously.

6. **Review and Approval:** Planning Commission’s 4th Quarterly Report/FY 2022 Annual Report to the County Commission per WV Code §8A-2-11. The Planning Commission is required by State Code to make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction.

Ms. Brockman noted that the Annual Report was distributed to the Planning Commission at the meeting. She stated that staff would like to edit the formatting of the report before it is sent to the County Commission. She asked for the Planning Commission to approve the Report that is presented but allow staff to reformat the report before it goes to the County Commission.

Mr. Hefestay motioned to approve the request as Ms. Brockman presented. Mr. Stolipher seconded the motion and was carried unanimously

7. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (also related Writ of Prohibition Supreme Court of Appeals No. 22-0469).
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.’s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.’s 2021- C-46 through 50, and WV Supreme Court No.’s 21-0727, 21-0728, and 21-0731.

Shane Roper asked to recuse himself from 7.B. but Mr. Cochran said that would not be discussed.

Mr. Cochran said he would like to discuss Item #7a with the Planning Commission in Executive Session but recommended finishing the balance of the agenda first.

8. Planner’s Memo

Ms. Brockman reported that the County has received two applications for Solar Facilities that are located bother within and outside the Charles Town Urban Growth Boundary, which will require action by both the Board of Zoning appeals and the Planning Commission during the July, August and September meetings. She also noted that the Miller Station Apartments Concept Plan (across from Walmart) Public Workshop will be held in August.

Mr. Louthan motioned to go into Executive Session for Legal Advice related to Agenda Item # 7.a.; Jack Hefestay seconded the motion, which carried unanimously (8:20 pm).

Mr. Louthan moved to come out of Executive Session; Jack Hefestay seconded (8:35 pm)

9. President's Report

10. Actionable Correspondence: None

11. Non-Actionable Correspondence: None

Mr. Hefestay motioned to adjourn the meeting; Mr. Louthan seconded the motion ,which carried unanimously. The meeting was adjourned at 8:37pm.

These minutes were prepared by Tanya Lyons, Planning Clerk.