

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
FEBRUARY 22, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, February 22, 2005 with Arnie Dailey, President, presiding. Other Planning Commission members present were: John Sims, William Lewandowski, Russell Roper, Dan Marken, Rosella Kern, Thomas Kane and Greg Corliss. Staff members present were Paul Raco, Roger Goodwin, Sherry Kelly and Sherry Cole.

Ms. Smith was absent with notification. Mr. Dailey called the Meeting to order at 7:02 p.m. Mr. Roper asked that the CD from the February 8, 2005 meeting be reviewed with regard to the minutes of item #14 Personnel. Mr. Roper asked that there be more comment on his input on this item on the agenda. Mr. Kane motioned to approve the minutes of the February 8, 2005 meeting subject to adding a summary of Mr. Roper's comments regarding Item 14 Personnel. Mr. Marken seconded the motion which carried unanimously.

1. Action on the Staff Report for Edgewood at Cress Creek Subdivision (Z04-05). Staff read the Staff Report. There was public comment from Mike Shepp. Mr. Shepp stated that item # 3 under the resolved issues should read 24 mph speed limit signs instead of 25 mph speed limit signs. Mr. Shepp further stated that item #12 should be amended to state that if the developer intends to use Norman Lane and the Olcott access lane that the road will be upgraded to County grade paved road standards. Mr. Raco did not object. Mr. Sims motioned to approve the Staff Report for Edgewood at Cress Creek as amended. Mr. Lewandowski seconded the motion which carried unanimously.

2. Action on the Conditional Use Permit for the Edgewood at Cress Creek Subdivision. Annette van Hilst presented the project. Hank Walter and Mike Shepp spoke. Staff stated that the Planning Commission shall issue, issue with conditions, or deny the Conditional Use Permit. Staff also reminded the Planning Commission of Mr. Cassell's statement regarding Town Run Commons wherein he advised that the Conditional Use Permit should be ratified by the Zoning Board of Appeals. Mr. Kane motioned to approve the request for the Conditional Use Permit subject to the Staff Report dated February 9, 2005 with an additional condition that once the 20 homes are completed that the County and State law enforcement officials be invited to patrol the roads and with Zoning Board of Appeals approval. Mr. Roper seconded the motion which carried unanimously.

3. Request by Carl V. Taylor, III, for a variance from upgrading an existing right-of-way and road to County standards for a proposed parent to child transfer of land (Article 8, Section 8.2a of the Jefferson County Subdivision Ordinance). Carl Taylor presented the variance request. Sherry Kelly, Planner, recommended approval conditioned upon gravel being added to the easement. Roger Goodwin, Chief County Engineer, recommended approval sine a variance was previously granted and an accessible driveway exists, contingent upon the developer obtaining an upgraded highway entrance permit from the W.V.D.O.H. Ms. Kern motioned to grant the variance conditioned upon gravel being added to the easement to Ms. Kelly's satisfaction and obtaining an upgraded highway entrance permit. Mr. Marken seconded the motion which carried unanimously.

4. Site plan approval and issuance of the Improvement Location Permit for Charles Town Races & Slots, for 4 horse barns, pole barn, employee parking lot and a practice track. PNGI Charles Town Gaming, LLC is the owner/developer. The county engineer recommended approval of the site plan and staff recommended issuance of the Improvement Location Permit subject to making bonding arrangements. Randy Kepler and Jim Buchanan answered questions from the Planning Commission. Mr. Lewandowski motioned to approve the site plan and issuance of the

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Improvement Location Permit subject to staff contingencies. Mr. Roper seconded the motion which carried unanimously.

Mr. Lewandowski motioned to have Mr. Raco and Mr. Goodwin write a letter to the Department of Highways asking them to do a traffic impact study in the 5<sup>th</sup> Avenue and Route 17 vicinity. Mr. Sims seconded the motion which carried unanimously.

Ms. Kern suggested that in the future a small scale copy of the site plan be sent to the Planning & Zoning Commissioners. Staff stated that he would ask the developer/engineer at the Staff Review Meetings to provide one.

5. Site plan approval and issuance of the Improvement Location Permit for Charles Town Races & Slots, for the Washington Street Entrance Road. PNGI Charles Town Gaming, LLC is the owner/developer. Staff stated that there will be signalization at Sheetz and Prospect Avenue with a right turn only sign. The county engineer recommended approval of the site plan and staff recommended issuance of the Improvement Location Permit subject to making bonding arrangements and a signal bond or proof of payment with the highway department. Mr. Marken motioned to approve the site plan and issuance of the Improvement Location Permit with staff contingencies. Mr. Lewandowski seconded the motion which carried unanimously.

6. Request by William Lewandowski to discuss personnel. Mr. Lewandowski stated that he had emailed his initial thoughts to the Planning & Zoning Commission and would like to talk about an agenda for the meeting with the County Commission. Mr. Roper and Mr. Dailey took issue with the fact that Mr. Lewandowski did not ask for Mr. Raco's input as the motion required. Mr. Kane motioned to have the following items on the agenda for the meeting between the Planning & Zoning Commission and the County Commission: (1) A review by the Planning & Zoning Commission to County Commission on how we are handling Conditional Use Permits - by legal advice; (2) Ask the County Commission what they want from the Planning & Zoning Commission as an advisory body; (3) Unified Development Ordinance covering both zoning and subdivision ordinances. Mr. Roper seconded the motion. Ms. Kern made an amendment to the motion to add a couple of other items to the agenda which included: (1) Annual workshop with County Commission, Planning Commission member orientation and APA workshops to familiarize Planning Commission duties/rules; (2) Discuss with the County Commission the issues of missing chapters from the Comprehensive Plan. Mr. Lewandowski seconded the amendment to the original motion which carried unanimously. The main motion carried unanimously.

Mr. Lewandowski asked the Planning & Zoning Commission to send their available dates for the next three weeks to staff. Staff will get available dates to the County Commission.

7. Correspondence. None.

Mr. Dailey asked for a status regarding the subdivision consultants. Mr. Kane stated that all three consultants are good. Mr. Kane further stated that the committee has a consensus of where they would like to go and that there is a lot of talent out there.

The meeting adjourned at 8:40 p.m. on February 22, 2005. A detailed transcript of this meeting can be found on CD #35 and #36. These minutes were prepared by Sherry Cole.

