

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m.

February 14, 2019

Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, William Blosser, Ron Dulaney, Jr., Sam Loretta, Bill Petros, Carol Pyles, Michael Shuman, Tim Stranko, and Gigi Villarreal

COMMISSIONERS ABSENT: None

STAFF PRESENT: Christopher M. Fletcher, AICP

- I. **CALL TO ORDER/ROLL CALL:** DeMasters called the meeting to order at 6:30 p.m. and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.
- II. **GENERAL PUBLIC COMMENTS:** None.
- III. **MATTERS OF BUSINESS:**
 - A. Approval of the January 10, 2019 meeting minutes. Stranko moved to approve as presented; seconded by Dulaney. Motion carried unanimously with Pyles and Villarreal abstaining due to absence.
- IV. **UNFINISHED BUSINESS:**
 - A. **TX18-07 / Administrative / Coffee/Tea Shop Uses:** Administratively requested Zoning Text Amendments to Sections 1329.02, 1331.05, and 1331.06 of the City's Planning and Zoning Code relating to "Coffee/Tea Shop" uses. TABLED AT 11 OCT 2018 HEARING.

Fletcher referred to the memorandum in the meeting packet and stated Staff withdraws the request so alternate policy solutions can be brought forth in the future.

- B. **RZ19-01 / Scott Properties / Jones Street:** Request by Gregg Metheny, on behalf of Scott Properties, for a Zoning Map Amendment to reclassify Parcels 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, and 246 of Tax Map 20 from R-2, Single and Two-Family Residential District to R-3, Multi-Family Residential District. TABLED AT 10 JAN 2018 HEARING.

Stranko moved to remove RZ19-01 from the table; seconded by Dulaney. Motion carried unanimous.

Fletcher noted two emails of opposition were received by Staff from Charlie Byrer and Kim Roscher after the packet had been distributed. Copies of the emails were placed at the Commission's daises.

Fletcher referred to the memorandum in the meeting packet restating the Commission's two reasons for tabling the petition during the January hearing.

Fletcher stated a scope of work prepared by the City's on-call planning consultant AECOM was included in the meeting packet and provides a project scheduling beginning in March. The small area study planning project will include two community forums along with stakeholder interviews. Fletcher noted the objective is to bring a future study area recommendations report to the Planning Commission in for review and consideration in September 2019.

Fletcher noted the meeting packet included additional information following the Planning Commission's January meeting including a letter from staff to the petitioner and a resolution by the Wiles Hill – Highland Park Neighborhood Association.

DeMasters asked Metheny if he had any new information to add to the petition. Metheny stated he had no new information to submit.

DeMasters decided to open the public hearing again.

DeMasters asked if anyone was present to speak in favor of or in opposition to petition.

DeMasters recognized Richard Dumas of 444 Overhill Street who stated he is opposed to the petition as he would like for a future study area to be completed first to ensure to integrity of his neighborhood is protected.

DeMasters recognized Jane Lefever of 301 Raymond Street who spoke in opposition of the position and is in favor of a future study area in order to discuss other options with the City.

DeMasters recognized Roger Banks of 444 Overhill Street who asked the Planning Commission to deny the petition and encouraged a future study area as it would give opportunity to negotiate in good faith with Scott Properties.

DeMasters recognized Barb Howell of 432 Willey Street who expressed concerns with the topography of the area and the prospect of increased traffic with further development.

DeMasters recognized Charlie Byrer of 420 Raymond Street who noted there would not be a buffer to the R-1A neighborhood if this area is rezoned to an R-3 and also expressed the study area planning project could become tainted and not objective.

DeMasters recognized Christine Wallace of 339 Virginia Avenue who expressed concerns with development in the area as the land is shifting and also the chance for increased traffic. Wallace provided a land shifting example in Canada where the government stopped future development that might contribute to the slipping condition.

DeMasters recognized Margaret Stout of 458 Morgan Street who expressed the study area needs to include engineering and also noted she submitted a letter to Staff at the last hearing to be made part of the record. Stranko confirmed that letter was received.

There being no further comments, DeMasters offered Metheny a chance for rebuttal.

Metheny inquired as to what his options are at this point and expressed favor in a study area planning project as it will provide a closer look at the area along with the many vacancies that

exist. He asked if the petition could be tabled until after the study area is complete as he has already paid \$500.00 and he would have to pay the fee again if he withdrew the petition.

DeMasters explained the options available and stated the Commission could vote to table the petition. DeMasters questioned if the petition could remain on the table for nine (9) months. Fletcher suggested tabling the petition to give so he could consult with the City Attorney on options and then he would report back at the next hearing.

Stranko suggested having the petition listed monthly on the agenda in order to get a monthly status report on the study area planning project.

Metheny stated he is in favor of the future study area planning project and requested Case No. RZ19-01 be tabled to allow for that study to be completed.

Loretta asked if Fletcher could consult with the City Attorney if the fee could be waived should the petition be denied. Fletcher confirmed.

Stranko moved to table Case No. RZ19-01; seconded by Shuman. Motion carried unanimously.

V. NEW BUSINESS:

- A. MNS19-03 / Mini Mountaineer Early Learning Center, LLC / 3414 Collins Ferry Road:** Request by Gloria Scotchel, on behalf of Mini Mountaineer Early Learning Center, LLC, for minor subdivision approval of property located at 3414 Collins Ferry Road; Tax Map 53, Parcel 219; R-1, Single-Family Residential District and Parcel 220; B-1, Neighborhood Business District.

Fletcher presented the Staff Report and stated the petitioner requested Staff to represent the petition.

Pyles asked how common it is to combine two (2) parcel that have different zoning. Fletcher stated it is uncommon but noted there are other examples in the City and provided further explanation.

Dulaney asked if the boundary between the two (2) zones remains when changing the parcel boundary. Fletcher confirmed and provided further clarification.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to petition. There being none, DeMasters declared the public portion closed and asked for Staff recommendations, which were read by Fletcher.

Dulaney referred to the parking lot and encouraged landscaping buffers be required on that property. Fletcher stated the petitioner has applied for a landscaping variance and provided further explanation on where landscaping would be required if variance relief is granted by the Board of Zoning Appeals.

Stranko moved to approve MNS19-03 with Staff recommended conditions; seconded by Shuman. Motion carried unanimously.

- B. RZ19-02 / Administrative / Don Knotts Boulevard:** Administrative request for a Zoning Map Amendment to reclassify Parcels 29, 29.1, 29.2, 41.1, 42, and 43, of Tax Map 39 and Parcels 1,19, 19.1, 25, 25.1, and 25.2, and Part of Parcel 134 of Tax Map 28, from I-1, Industrial District to B-2, Service Business District.

Fletcher presented the Staff Report. Fletcher noted the property owners and the neighborhood is in favor of the petition and stated that changing the zoning classification will allow the existing storefronts to be occupied by commercial uses as tenants come and go.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to petition. There being none, DeMasters declared the public portion closed and asked for Staff recommendations, which were read by Fletcher.

Dulaney inquired the status of Future Study Areas 2 and 17. Fletcher stated the recommendations report for Future Study Area 17 provided that existing zoning classifications remain as they are. Accordingly, no related zoning map or text amendments have been brought to the Planning Commission for consideration. Future Study Area 2 provided complicated recommendations that include a number of zoning map and text amendments and the creation of a new overlay district with a number of design requirement elements. Progress is being made, but a much slower pace than desired due to present workload.

Stranko moved to forward a favorable recommendation to City Council for Case No. RZ19-02; seconded by Shuman. Motion carried unanimously.

- C. Small Area Plan – Area 16 – Powell Avenue:** The Planning Commission will hold a public hearing concerning the acceptance of the Small Area Plan Recommendations Report for Future Study Area 16 and the filing of said Report as an appendage to and product of the 2013 Comprehensive Plan Update.

Commissioner Shuman recused himself from this petition and exited Council Chambers. [NOTE: the purpose of the recusal was due to Mr. Shuman's past real estate representation of one of the property owners within study area.]

Fletcher stated that Staff received an email with favorable comments from Erica Hetzell and Monica Andes in support of the Small Area Plan recommendation to change the zoning classification and that these emails were placed at the Commissioner's daises.

Fletcher presented a power point presentation to further explain the Future Study Area No. 16 planning project and the recommendations report.

Loretta inquired what the zoning classification is surrounding the study area. Fletcher provided further explanation on the location of the study area noting the surrounding zoning classification is predominantly R-1A.

Petros inquired on the slope of the area and asked if it would be classified as hillside which would include a 30 percent or greater slope and require an acre per lot. Fletcher stated hillside development provisions are provided in the subdivision regulations portion of the Planning and Zoning Code. Fletcher noted there are policy disconnects between the subdivision and zoning regulations concerning steep slopes and hillside development.

Petros inquired if parcels would have to be at least an acre should the area be rezoned to R-1A as it would be considered a hillside. Fletcher stated he did not have the rise-to-run information on the property with him, but otherwise that would be correct. The existing parcel boundaries might be considered a pre-existing nonconforming condition.

Petros noted there are not many houses surrounding the area and asked if there are adjacent land owners that were able to provide comments.

Dulaney stated the area is within his Ward and provided further explanation on the surrounding properties. Dulaney noted there are concerns with increased traffic and transportation and also sliding of the hillside with development.

Petros noted that most of the adjacent properties are owned by the same person. Dulaney expressed the impact goes beyond adjacent property owners.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to petition. There being none, DeMasters declared the public portion closed and asked for Staff recommendations, which were read by Fletcher.

Stranko moved to:

1. Accept, as submitted, the Small Area Plan and Recommendations Report for Future Study Area 16 – Powell Avenue dated January 16, 2019, with the understanding additional narrative will be included beginning on Page 14 summarizing Commission and public comments and Commission action.
2. File said Area 16 Recommendations Report as an appendage to and product of the 2013 Comprehensive Plan, affirming the Report advances implementation of Comp Plan Strategies NH 1.2 and ED 5.7.
3. Direct Staff to proceed with drafting a zoning map amendment as outlined in the Area 16 Recommendations Report for future consideration by the Planning Commission.

The motion was seconded by Blosser and passed unanimously. [NOTE: Shuman was recused due to his conflict of interest.]

VI. OTHER BUSINESS

A. Committee Reports

- Traffic Commission Report:
 - Blosser stated the City's 2019 paving program is available on the City's website.
- Other Committees: None.
- Staff Comments:
 - Fletcher referred to a memo in the meeting packet to note a Planning Commission workshop was held on February 4, 2019 to discuss contemplated zoning map amendments adjusting the boundaries of every zoning district in

the City to align with the Monongalia County Assessor's digitized parcel mapping.

- Dulaney asked if a public display was offered for Future Study Area No. 16. Fletcher stated ta project website serves as a repository of public notices, postcards, community forum presentations, and recommendations report. The website address is regularly provided to interested parties.

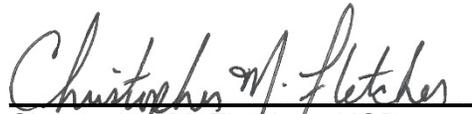
VII. FOR THE GOOD OF THE COMMISSION: None.

VIII. ADJOURNMENT: 7:45 PM

MINUTES APPROVED:

March 14, 2019

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP