

**MORGANTOWN PLANNING COMMISSION**

**MINUTES**

**6:30 p.m.**

**May 12, 2022**

**Council Chambers**

**COMMISSIONERS PRESENT:** Pete DeMasters, William Blosser, AJ Hammond, Tim Stranko, Danielle Trumble and Bill Petros

**COMMISSIONERS ABSENT:** Mike Shuman

**STAFF PRESENT:** Rodney Bohner, City Planner

**CALL TO ORDER/ROLL CALL:** The meeting to order at 6:30 p.m. Mr. DeMasters asked if it was ok to bypass reading of the pre meeting announcement. All in favor.

**I. PUBLIC COMMENT:** None.

**II. MATTERS OF BUSINESS:** Approval of meeting minutes of February 10, 2022 and April 18, 2022. Motion and second to approve as presented. All in favor, minutes approved.

**III. UNFINISHED BUSINESS:** None

**IV. NEW BUSINESS:**

- A. **RZ22-01 / Hageboeck Holding Co., LLC / 815 Price Street:** Request by Jasmin Patrick on behalf of Hageboeck Holding Co., LLC for a Zoning Map Amendment to rezone Tax District 13, Map 26, Parcel 183 from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two- Family Residential District.

Bohner presented the combined staff reports for RZ22-01 and RZ22-02 and noted the petitioner was present.

**STAFF RECOMMENDATION:**

After review, staff finds the proposed zoning map amendment to be consistent with the City's Comprehensive Plan – Land Management Map/Plan and the principles associated therewith. Staff further recommends that the properties be rezoned from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family District.

DeMasters asked for clarity on the current zoning. Bohner again reviewed the slides showing the current zoning and proposed changes.

Jasmine, representing Bel Cross Properties discussed the zoning request. The property owner owns the surrounding properties in addition to these. She stated that the reason for the change in zoning is because they would like to rent to an additional tenant. Current City Code will only allow three tenants, even though there are four bedrooms in the homes. Bel Cross Properties also own the parking lot across the street so parking would not be an issue. She reconfirmed that there would be no structural changes whatsoever, only the safety requirements with the Code Enforcement Office.

Public hearing was opened. No one present in favor.

Don Elfenbein, who lives on Cornell Avenue. He stated that they have lived and worked in Morgantown since the 1980's. He opposes the rezoning of this property. Some issues he mentioned include increased traffic, increased noise, other unsightly property issues. He states that the purpose of the zoning ordinance in place now is to protect the single-family residential areas and to protect the character of existing development. He states that he is afraid if this is granted, other property owners will want to follow suit. He feels that if the property owners want a multifamily rental they need to buy property in a zoning area where it is allowed.

Carol Becilla spoke in opposition, agreeing with the previous speaker. She lives at 831 Price Street and has lived there for thirty years. She does not want to change from R1A. Ms. Becilla states that this will be a negative impact on her neighborhood. She feels that this is an issue that does not need to keep being revisited. Mr. Becilla is also present and has a petition.

Mark Becilla, 831 Price Street. He presented a list of concerned residences to Mr. DeMasters. He states that he has lived on this street all of his life. The previous owners of the property kept the property up well and had good tenants. He is hoping that Bel Cross can live up to this standard. He referenced the Land Management Map of 2013. He does not feel that WVU is planning to expand into this area. Mr. Becilla doesn't believe that just because a house has four bedrooms, doesn't mean they all need to be used as an actual bedroom. There are many other uses that would not require rezoning. He states that all the residents value their neighborhood on the hill and would like it to remain unchanged.

Mr. DeMasters stated he would keep the petition for the record.

Arthur Twigg, 909 Brown Street. The owner of the property is Irene Twigg, the eldest person on the hill at 96. Mr. Twigg states that she no longer drives due to traffic issues created all the rentals in the area. He believes that rezoning would be an issue because the current homeowners living in the area will be penalized.

DeMasters asked for questions. Mr. Elfenbein asked about the staff recommendation. Mr. DeMasters noted that we will not cross examine the Planner and that the staff recommendation stands.

Mr. Stranko noted the speakers were all well-spoken and referenced the Land Management Map. Stranko states it does not trump the zoning code. He went on to discuss the second ward and what happened as this neighborhood was rezoned.

Danielle Trumble noted that this happened in her neighborhood as well. She states that she is also not in favor of the rezoning.

Mr. Hammond also agrees with the other commissioners, and also notes that he is not in favor of spot zoning.

Stranko asked if the application is denied, would it be referred to City Council. DeMasters noted that yes it would be a recommendation to Council to deny.

DeMasters talked about the desire of homeowners to make more money and completely understands that. He believes that we have zoning for a reason and this is zoned R-1A. He states he would look at this request more favorably if it were to do the entire neighborhood and not just a couple properties. He also does not believe in spot zoning.

Regarding RZ22-01 Stranko moved to forward the application to City Council with the recommendation of denial, seconded by Blosser. The vote was unanimous.

- B. RZ22-02 / Hageboeck Holding Co., LLC / 305 Glendon Avenue:** Request by Jasmin Patrick on behalf of Hageboeck Holding Co., LLC for a Zoning Map Amendment to rezone Tax District 13, Tax Map 26, Parcel 186 from a R-1A, Single-Family District to a R-2, Single-Family and Two-Family Residential District.

Regarding RZ22-02 Stranko moved to forward the application to City Council with the recommendation of denial, seconded by Blosser. The vote was unanimous.

- C. MJS22-01 / R&R Holdings 3, LLC / 1345 Van Voorhis Road.** Application for a Major Subdivision of City Tax District 15, Tax Map 54, Parcels 163, 164 and 165 at Van Voorhis Rd and Southview Street.

Bohner presented the staff report and noted the petitioner was present.

Devon Shrewsbury, Ascent Consulting and Engineering. She stated she has been working with MUB and hopes to have approval before the public hearing. In regard to the public street, it will be public, but a name has not been decided upon.

Shrewsbury says that she will present the plans and the client is working with her attorney to amend the restrictions to adhere to the R-1 district requirements.

DeMaster's noted that if they did not have all the materials together by June 9, it could always push to the July meeting.

Trumble asked about public street and if it would convey to the City for maintenance. Shrewsbury noted that she believes this is the plan.

Petros asked about the stormwater management. Shrewsbury explained the process she is working with MUB to establish. Petros is expecting comments from residents based on the history of flooding in this area. Stranko asked about conveying the stormwater system to the city. Shrewsbury noted that there will be a maintenance agreement with MUB. DeMaster's asked about the reduction requirements and Shrewsbury noted that they are 1, 2, 10 and 50 for MUB.

Blosser asked about sidewalks. Currently there are none, but in the future they may be added with the improvement processes.

Petros asked about Van Voorhis improvement process. Bohner noted that is a state road and he is not sure of the specifics of the project. Shrewsbury noted there is a landscape buffer to help to accommodate this.

Public hearing was opened and closed being none present.

#### **STAFF RECOMMENDATION:**

After review, staff recommends that the Planning Commission accept the applicant's proposed major subdivision application and schedule a public hearing to consider the matter on Thursday, June 9, 2022, at 6:30 p.m. in the City Council Chambers (389 Spruce Street) in accordance with the Commission's regular meeting schedule for 2020, provided the following conditions are met:

1. All the deficiencies listed above are addressed (resolved) and new documents (where appropriate) are submitted to the Dev. Services Department for distribution to the Planning Commission and appropriate staff.
2. Staff schedules a Technical Review Committee meeting with appropriate City agencies to review the proposed major subdivision. Any additional deficiencies discovered shall be addressed prior to the public hearing. Comments from the Technical Review Committee meeting will be presented at the public hearing on June 9, 2022.

Stranko moved to accept the application and schedule a public hearing on June 9 at 6:30. Seconded by Blosser. Vote was unanimous.

**VI. OTHER BUSINESS:**

**A. Committee Reports-** None.

**B. Staff Comments-** Bohner thanked the committee for having him. Trumble asked again for the meeting minutes to be posted online. Stranko asked about Carol Pyles acknowledgement. Trumble noted that the City Clerks office had been working with Rickie Yeager to make this happen.

**VII. ADJOURNMENT:** Meeting adjourned at 7:25

MINUTES APPROVED: July 14, 2022

COMMISSION SECRETARY:



---

Rickie Yeager, AICP