

**MORGANTOWN PLANNING COMMISSION**

**MINUTES**

**6:30 p.m.**

**January 13, 2022**

**Council Chambers**

**COMMISSIONERS PRESENT:** Peter DeMasters, William Blosser, A.J. Hammond, Tim Stranko, Michael Shuman, Danielle Trumble and Bill Petros

**COMMISSIONERS ABSENT:** Sam Loretta

**STAFF PRESENT:** Rickie Yeager, AICP

**CALL TO ORDER/ROLL CALL:** DeMasters called the meeting to order at 6:30 p.m., with approval the pre-meeting announcement was noted to be in the packet and not read aloud.

**I. 2022 Leadership Election:** There was a motion and second to elect Pete Demasters. Vote was unanimous. Motion and second to elect Sam Loretta as vice president. Vote was unanimous.

**II. GENERAL PUBLIC COMMENTS:** None.

**III. MATTERS OF BUSINESS:** Approval of meeting minutes November 11 and December 9, 2021. Motion and second to approve both sets of minutes with the correction of adding Danielle Trumble to both sets and attendance to reflect Petros and Hammond absent on December 9. Vote was unanimous with corrections.

**IV. UNFINISHED BUSINESS:** None

**V. NEW BUSINESS:**

**A. MJS21-01 / Frasher – Berryman / 400 Inglewood Boulevard**

Request by Chad Frasher and Bob Berryman on behalf of Inglewood Properties, LLC for a major subdivision of 400 Inglewood Boulevard, City Tax District 15, Tax Map 11, Parcels 113 and 12; R-3, Multi-Family Residential District.

Yeager read the staff report and noted the petitioner was present.

Bob Berryman identified himself and noted that they are anxious to move forward with this project.

Demasters opened the public hearing. Being no members of the audience present the public hearing was closed.

**STAFF RECOMMENDATION:**

After review, staff recommends that the Planning Commission approve the applicant's request for a major subdivision of the above referenced property and approve the Final Plat (attached hereto) in accordance with the Article 1319 of the City's Planning and Zoning Code.

Demasters asked for discussion. Stranko asked for clarification on the Staff Recommendation. Motion and second to approve with Staff conditions. Vote was unanimous.

**B. MNS21-11 / Wayne and Amy Richmond / 130 – 136 Putnam Street**

Request by Kayla Cook on behalf of Wayne and Amy Richmond for a minor subdivision of 130, 132, 134 and 136 Putnam Street, City Tax District 14, Tax Map 14, Parcel 270.2; R-2, Single- and Two-Family Residential District.

Demasters opened the public hearing. Being no one present, the public hearing was closed.

Yeager presented the Staff Report and noted the petitioner was present. The petitioner, Ms. Cook, noted that the property had been sold four times prior to this. She is trying to remedy this current situation for her client.

**STAFF RECOMMENDATION:**

After review, staff recommends that the Planning Commission approve the applicant's minor subdivision application with the following conditions:

1. Staff schedules a Technical Review Committee meeting with the appropriate City agencies to review the proposed minor subdivision. If an issue or deficiency is identified by the Committee with the proposal or plat, it shall be resolved by the applicant and appropriate documentation submitted to staff for final review/approval.
2. That the petitioner submits at least three (3) original final plat documents, including all access/utility easements, signed, and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature.
3. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of receiving the executed plat.

Additionally, in accordance with Article 1315.05, the Planning Commission shall note for the record the following lot variances from Article 1337.03 in a R-2, Single- and Two-Family Residential District that are implicit with the applicant's minor subdivision application:

- (a) The minimum lot size shall be 5,000 square feet.
- (b) The minimum lot frontage shall be 40 feet.
- (c) The maximum lot coverage shall be 50 percent.

Stranko questioned why the neighbor would have to agree. Yeager stated that City Attorney Ryan Simonton recommended that we should do this. Stranko doesn't agree with this recommendation. Cook explained that the adjoining property owner was previously her client and that they are not opposed to this condition. Yeager noted that currently there are three lots, if this is approved there will be six lots. Trumble noted that she does not have a problem with this particular case, but needed to understand the process better. Yeager explained the code and noted that he has been talking with the City Attorney to find a way to better handle these situations as they arise. Demasters noted that he doesn't believe we could do anything to people that do this without Planning Commission permission. He stated that he appreciates Ms. Cook's effort to remedy the situation in this specific case.

Motion by Stranko to approve based on staff recommendation and subject to endorsement by the adjacent property owners, seconded by Shuman. Bailey noted he thinks we need to document that we are not setting a precedent for the future. Demasters noted that the Planning Commission is not necessarily a court of record, and what the Commission does, does not set a precedent, but are examined on a case-by-case basis. Stranko agreed. Trumbull discussed that if this is not something enforceable by the court, that we would need to change our zoning code to remove things like this. Baily asked what this will do to our zoning code. Yeager noted it does not affect the zoning. Demasters noted that if a case like this was every challenged it would be referred to the City Attorney who would then take the lead.

Motion to approve by Stranko, seconded by Shuman. Vote was unanimous.

## **VI. OTHER BUSINESS:**

### **A. Committee Reports-** None

### **B. Staff Comments-** Yeager introduced Rodney Bohner, new City Planner. Rodney introduced himself. Stated he is happy to be back in Morgantown, he spent a year here until Grad School took him to Oregon.

Yeager noted we will have one item on the docket next month for final plat the minor subdivision on Inglewood Blvd.

Demasters noted that he will not be present at the next meeting.

Stranko asked about the Comp Plan Update and what Planning Commission's role will be. Yeager noted there is a steering committee in which Stranko and Demasters are on to represent the Planning Commission. Yeager noted that in addition to a general policy document, there will also be focus areas. Yeager noted that he has been working with the Communications Director to get this out on social media. Yeager stated that the consultants would like to meet with members of the Commission. Yeager asked about a small group meeting or a workshop environment. Demasters noted that a meeting with a small agenda could have a workshop following the meeting.

Petros asked if other communities in the area are working with the Comp Plan process. Yeager noted that they have been invited to the stakeholder meetings and have been in participation.

Stranko also mentioned Carol Pyles, and that she served on the Planning Commission for a very long time. He would like to have some type of recognition for service to our Boards. A proclamation was suggested. Yeager will follow up.

**VII. ADJOURNMENT:** Meeting was adjourned at 7:05

MINUTES APPROVED: February 10, 2022

COMMISSION SECRETARY:



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Rickie Yeager, AICP, EDFP