

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m.

February 13, 2020

Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, Carol Pyles, Sam Loretta, Tim Stranko, William Blosser, Ron Dulaney, and AJ Hammond

COMMISSIONERS ABSENT: Bill Petros, Michael Shuman

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 December 12, 2019 meeting minutes. Stranko moved to approve as presented; seconded by Blosser. Motion carried unanimously with Pyles and Dulaney abstaining due to their absence.

B. Approval of the January 9, 2020 meeting minutes. Loretta noted was absent. Stranko moved to approve the minutes with Loretta's absence corrected; seconded by Dulaney. Motion carried with Loretta and Pyles abstaining due their absence.

C. 2019 Annual Report to City Council. Fletcher reviewed WV State Code regulations concerning the Planning Commission's obligation to submit an annual report to City Council. Fletcher noted the format of the report has been developed over several years with additional information requested by the Planning Commission. Fletcher asked the Planning Commission to authorize the City Manager to submit the Planning Commission's 2019 Annual Report to City Council. DeMasters noted Blosser had a perfect attendance record. Stranko moved to submit the report to City Council as presented; seconded by Hammond. The motion carried unanimously.

IV. UNFINISHED BUSINESS: None.

V. NEW BUSINESS:

A. MNS20-01 / Adkins / 453 Civitan Street: Request by Chaille Adkins for minor subdivision approval of property located at 453 Civitan Street. Seventh Ward Tax District, Tax Map 2, Parcel 100; R-1, Single-Family Residential District.

Fletcher presented the Staff Report and noted the petitioner was present.

DeMasters recognized Chaille Adkins, 1142 Windsor Avenue who noted he lives in Suncrest and he is that he is trying to beautify the neighborhood. He has built two (2) houses in the Suncrest and is working on a third. He stated that he feels the small variance he is asking for is not out of line. There are a lot of other lots in the area that do not really conform to the R-1 District minimum lot frontage and minimum lot area standards.

Stranko addressed the petitioner stating the Planning Commission has to apply the law, we don't have unfettered discretion. The Planning Commission has to find topographical or other conditions to the site to allow the variance. Are there any topographical or other conditions peculiar to this site that the Planning Commission can rely on to make this variance decision? Adkins stated he was not aware of anything.

DeMasters addressed the petitioner noting that Junior Avenue has a lot of nonconforming parcels. Civitan has two (2) nonconforming but there is one (1) house on that site. He asked what is across the street. Fletcher stated that there are a couple of nonconforming parcels across the street. The petitioner agreed with Fletcher. Adkins stated that in that general area and within a couple blocks around Civitan, there are nonconforming parcels and that this information was provided with his application.

DeMasters referred to another lot across that has two lots, he asked if they were combined would that a conforming lot. Fletcher confirmed it would. Fletcher pulled up the Monongalia County Parcel Viewer website on his phone to look at the parcel subdivision pattern beyond the image provided in the Staff Report. Fletcher noted that the block across the street is a triangular shaped block. Fletcher stated that he sees nine (9) houses in the block immediately to the right. Of those nine (9) homes, only two (2) appear to be on larger parcels. Seven (7) of them are appear to be on parcels that are smaller than the R-1 District standards. DeMasters stated that he only asked this because he wanted to look at the entire neighborhood.

Adkins stated that the 1315.07 Variances and Modifications says if someone can show where it creates unnecessary hardship and that he thinks the strict appearance to this creates undue hardship on the entire neighborhood to be able to grow. This house is almost derelict, and the prices of a single lot puts undue hardship on the surrounding landowners to raise their property values. If that house just sits there it is going to nothing.

DeMasters stated he understands it would provide undue hardship to the petitioner, but the Planning Commission must look to the neighborhood as a whole. DeMasters stated has a hard time saying that following the laws that we have is an undue hardship.

Adkins stated that the 7,200 square feet is an arbitrary number. He stated that getting to 7,200 square feet is a weird dimension. DeMasters stated that a 70-mph speed limit is an arbitrary number also, but it is the law.

Stranko noted City Council writes the Planning and Zoning Code, not the Planning Commission.

Blosser asked Fletcher at what point does a neighborhood go from R-1 to R-1A. Fletcher stated when Council changes the zoning classification by amending the zoning map. Fletcher noted that the R-1 District has larger lots than R-1A. R-1 is a less dense development pattern than R-1A. R-1A has smaller lots and smaller frontages. R-1A is still single-family but a denser development pattern.

Blosser noted that we are taking this neighborhood and putting two houses where one used to be. Pyles thinks the value is in the size of the lot in that neighborhood. DeMasters stated that is why people go to

Suncrest. Pyles noted that if you split it into the smaller lot, you are not following the character of the neighborhood.

There being no further comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor or in opposition to the petition. There being no comments, DeMasters closed the public comment portion and asked for staff's recommendation, which was read by Fletcher.

DeMasters asked if there was any discussion. Stranko stated that he is always trying to find a way to work with the applicant, but the Planning Commission is obliged to follow the law. Stranko stated he could not find a reason to support granting variance relief in this case and that the law is very clear.

DeMasters asked for a motion. Stranko moved to deny the application based on the fact the Planning Commission was unable to identify topographical or other conditions peculiar to the site to justify departures from the minimum lot area and minimum lot frontage standards for the R-1, Single-Family Residential District without destroying the intent of said provisions; seconded by Blosser. The motion carried unanimously.

DeMasters advised the petitioner the Planning Commission decision can be appealed as provided in the City's Planning and Zoning Code.

- B. MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road:** Request by Michael Callen for minor subdivision approval of property located at 3423 and 3427 Collins Ferry Road. Seventh Ward Tax District, Tax Map 53, Parcels 125 and 126; R-1, Single-Family Residential District.

Fletcher presented the Staff Report and not the petitioner was present.

DeMasters recognized Michael Callen, 3435 Collins Ferry Road who noted that the three (3) additional lots meet the minor subdivision application. The frontage and square footage meet all R-1 zoning as confirmed as note by Fletcher in the staff report.

There being not comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petitioner. There being no comments, DeMasters closed the public comment portion and asked for staff's recommendation, which was read by Fletcher.

Stranko moved to approve with staff recommended conditions; seconded by Dulaney. The motion passed unanimously.

VI. OTHER BUSINESS

A. Committee Reports

- Traffic Commission Report: No report.
- Other Committees: No reports.
- Staff Comments: Fletcher stated that Staff is working on the overlay district provisions for Study Area 5. Staff will be requesting a workshop to present this information. Fletcher noted a workshop environment with discussion would be more helpful before placing the matter on a future agenda. Staff will invite Mr.

Metheny and the Wiles Hill neighborhood working group to observe. Staff's objective is to schedule the workshop following the Planning Commission's March business meeting.

VII. FOR THE GOOD OF THE COMMISSION:

Stranko asked if the GIS coordinator has made any progress with the county regarding integrating the tax map information into the GIS plot viewer, we saw last month. Fletcher stated that there is a working group that includes several GIS stakeholders in the area including the county. Fletcher understands that the ultimate objective will be establishing a live connection between the Assessor's data with the City's web app. The web app will be launched next week. The City learned the County does not have the correct software licensing to establish the live link, but the County is working to upgrade their software. In the interim, Marvin Davis, City GIS Analyst is working with the County to include the City's zoning data on the County Assessor's parcel viewer website.

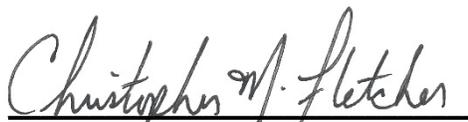
Stranko also discussed code revisions for sidewalk development which is on the City Attorney's desk. Is there any progress on that? Fletcher stated that he will check with him. Fletcher noted that he and City Engineer Damien Davis made a presentation to City Council at last month's Committee of the Whole meeting to make sure City Council was generally comfortable with the concept. Stranko also asked about the GIS Analyst progress and asked if there was money in the budget for this. Fletcher noted that it is a work in progress and that he is unsure of the budget, but that it should be presented to City Council next month.

VIII. ADJOURNMENT: 7:02 PM

MINUTES APPROVED:

March 12, 2020

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP