

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

April 09, 2015

Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, William Blosser, Sam Loretta, Ken Martis, Bill Kawecki, Bill Petros, Carol Pyles, Tim Stranko and Michael Shuman

COMMISSIONERS ABSENT: Michael Shuman

STAFF PRESENT: Christopher Fletcher, AICP

I. **CALL TO ORDER/ROLL CALL:** DeMasters called the meeting to order at 6:30 PM and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. **GENERAL PUBLIC COMMENTS:**

III. **MATTERS OF BUSINESS:**

A. Approval of the March 12, 2015 meeting minutes – POSTPONED

IV. **UNFINISHED BUSINESS** – None

V. **NEW BUSINESS:**

A. **MNS15-05 / Hardwood Interiors, Inc. / 936 Riverview Drive:** Request by Reg Messenger, on behalf of Hardwood Interiors, Inc., for minor subdivision approval of property located at 936 Riverview Drive; Tax Map 15, Parcels 33.1 and 34; R-1, Single-Family Residential District.

Fletcher presented the Staff Report.

Fletcher noted the applicant requested Staff to represent the petition and stated combining the parcels would eliminate one (1) nonconforming parcel.

Martis asked if twelve (12) feet of frontage is being added to the property. Fletcher confirmed.

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 the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Stranko moved to approve Case No. MNS15-05 as requested with Staff recommended conditions; seconded by Martis. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

B. MNS15-06 / Keener / 378 Elmhurst Street: Request by Paul Keener for minor subdivision approval of property located at 378 Elmhurst Street; Tax Map 7, Parcels 240 and 241; R-1, Single-Family Residential District.

Fletcher presented the Staff Report.

DeMasters recognized Paul Keener of 2024 Glenmark Avenue who stated that all houses face the same direction on Krepps Street and the subdivision would enable uniformity on the street. The current dilapidated house will be razed and removed to allow for a new single-family home to be constructed.

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

Fletcher read the Staff recommendations.

Stranko moved to approve Case No. MNS15-06 as requested with Staff recommended conditions; seconded by Martis. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature.
2. That the final plat may not be recorded until after the existing principal and accessory structure(s) are razed and removed.
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

C. TX15-02 / Administrative / Urban Agriculture: Administratively requested Zoning Text Amendments to Article 1329.02 "Definitions", Article 1331.05 "Permitted Land Uses", and Article 1331.06 "Supplemental Regulations Pertaining to Permitted Land Uses Table" as they relate to encouraging urban agriculture.

Fletcher presented the Staff Report.

Fletcher suggested to suspend the rules of order so that the Planning Commissioner may discuss the proposed text amendments with the volunteer working group members in attendance since the prior workshop had been canceled.

Martis asked who would have been involved in the workshop. Fletcher explained that Planning Commissioners, along with the working group volunteers would be involved in the workshop and the meeting would also be open to the public for anyone who may want to attend and provide input.

Kawecki asked how the present text amendment was initiated. Fletcher explained the issue was presented to Staff by a volunteer working group from the Green Team. The City of Charleston, West Virginia recently underwent a similar endeavor. As an example, Fletcher noted there is currently no ordinance on bee hives and a property owner can have as many bee hives without restriction. As part of public safety, the Green Team suggested the City provide direction for urban bee keepers and other means of urban agriculture within the City Code. The City has some restrictions in place in various portions of City Code, but they are vague and more guidelines and stability appear prudent for all urban agriculture matters.

Stranko referred to chickens and expressed concerns with the possible nuisance the animal could bring to a neighborhood.

Stranko moved to suspend the rules to allow for open discussion with volunteers; seconded by Kawecki. Motion carried unanimously.

Loretta expressed concerns with adding more chickens to the ordinance and asked how the regulations would be enforced. Fletcher stated that enforcement would come from a police officer.

Loretta asked how property values would be affected.

DeMasters recognized H. R. Scott, County Extension agent, who stated that property investment was not considered and explained that a certain number of chickens have to be raised by youth members of the FAA to qualify for a project. If those youth members can't raise between 3-6 chickens, then they are restricted from participation.

Martis asked if putting animals in the back yard is permissible and not allowing them to be stored in the front yard. Scott confirmed and agreed that is something that could be added to the ordinance.

DeMasters noted that some areas, such as South Park, do not have a back yard large enough for a chicken coop and asked if a certain amount of yard space is needed to store the chickens. Scott confirmed and stated that if students do not have enough space for a chicken coop then they wouldn't be expected to store the animals.

Loretta expressed that chickens are an eyesore within the City.

Petros expressed concerns with chickens in a commercial area and doesn't feel commercial agriculture should be raised within the City.

Fletcher referred to the proposed text amendment and noted that chicken coops would be restricted to a certain area of the yard and must meet setback requirements within the ordinance. Currently the code permits agriculture activities are permitted by-right in the R-1 and I-1 District. The proposed amendment would require a conditional use approval for "Commercial Agriculture" in those districts. Currently there are no restrictions on having

hooved animals and the proposed amendment would restrict those animals from “Home Agriculture.”

DeMasters noted that the FAA and 4-H programs are raising the animals to sell at fairs and could be argued as commercial agriculture. Scott disagreed and stated it is a youth development project and doesn't look at it from a commercial perspective. DeMasters understood but explained that if one would sell the project, they would need approval prior from the Board of Zoning Appeals.

Blosser asked where to draw the line between commercial husbandry and having a pet.

Jim Coatson, member of the Green Team, stated the definition of agriculture and explained the primary purpose for students is to learn how animal production is handled. The primary purpose for commercial agriculture is for sale and is a revenue producing exercise. Coatson explained the importance of the youth programs within the community.

Martis asked Coatson how he felt about restricting chickens to the back yard. Coatson felt that would be a reasonable requirement.

DeMasters expressed that people may be affected more so with chickens in the back yard as that is where people retire to in the evenings.

Loretta asked how much space is required per chicken. Coatson explained the square footage per chicken in an industrial setting and stated that what is proposed is no more than six (6) chickens can live on more than one acre of land.

Petros expressed that a fence should be required to contain the chickens. Coatson agreed and stated that would be a good management practice.

Kawecki expressed favor in the text amendment but stated there are additional issues and concerns that need to be discussed.

DeMasters agreed and asked how one can make a distinction between two chickens and two dogs.

Stranko agreed and expressed concerns with the draftsmanship of the text amendment and would like to know the state health regulations in regards to raising chickens in a domestic environment.

Discussion ensued with many questions being raised towards the storage and location of a chicken coop and number of chickens allowed on property. Fletcher suggested that, after hearing the discussion, the matter could be tabled so that a workshop can be scheduled as originally desired.

DeMasters recognized William Beasley, who is a bee keeper, and stated the amendment is fair and reasonable for bee keeping. Beasley explained what is involved with bee keeping and stated that little space is needed for the hive.

DeMasters recognized Jenny Selin who explained that the ordinance written in Charleston, WV did not fit our City and is not tailored for our area. Therefore, a citizens group was developed to review and discuss chickens and other forms of urban agriculture. Selin is in favor of

housing chickens within the City, but wants guidelines in the Code to set limitations of where the chickens can be stored in order to preserve property values yet allow urban agriculture in the community.

DeMasters asked how many eggs are produced from a chicken on average. Coats explained that an average chicken produces 200 eggs per year.

Pam Cubberly of the Green Team urged a separate workshop be scheduled for further discussion and review.

Loretta asked if the animals included in the proposed urban agriculture amendment would instigate negative health issues. Coatson explained that health issues could arise and it is important that coops be maintained and cleaned which is specified within the proposed amendment.

Stranko motioned to table TX15-02 and to schedule a workshop for further review and discussion on urban agriculture; seconded by Martis. Motion carried unanimously.

Stranko announced he had to leave the meeting.

- D. TX15-03 / Administrative / On-Street Parking:** Administratively requested Zoning Text Amendments to Article 1331.06(29)(h), Article 1345.06(B), Article 1361.03(Q)(2), and Table 1365.04.01 as they relate to removing adjacent on-street parking from meeting minimum parking requirements.

Fletcher presented the Staff Report.

Loretta asked if a new developer would have to provide on-site parking to compensate for spaces lost along the street. Fletcher confirmed.

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 the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Blosser motioned to forward a favorable recommendation for TX15-03 to City Council; seconded by Petros. Motion carried unanimously.

VI. OTHER BUSINESS:

A. Committee Reports

- Traffic Commission: No report.
- Green Team: No report.

B. Staff Comments:

- Graduate research presentation presented by Evan Chapman

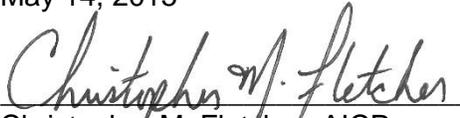
VII. FOR THE GOOD OF THE COMMISSION: None

VIII. ADJOURNMENT: 8:56 PM

MINUTES APPROVED:

May 14, 2015

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP