

# MORGANTOWN PLANNING COMMISSION

## MINUTES

6:30 p.m.

August 11, 2016

Council Chambers

**COMMISSIONERS PRESENT:** Peter DeMasters, Bill Petros, William Blosser, Sam Loretta, Bill Kawecki, and Tim Stranko

**COMMISSIONERS ABSENT:** Carol Pyles and Michael Shuman

**STAFF PRESENT:** Christopher Fletcher, AICP and John Whitmore, 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 July 14, 2016 meeting minutes: Kawecki moved to approve as revised; seconded by Petros. Motion carried unanimously with Stranko abstaining due to his absence.

IV. **UNFINISHED BUSINESS:**

A. **MJS16-01 / Stonehurst, LLC / Buckhannon Avenue:** Request by Trevor Lloyd of Cheat Road Engineering, on behalf of Stonehurst, LLC, for a major subdivision approval to create 19 parcels from a tract of land accessed from Buckhannon Avenue; Morgantown District, Map 42, Parcel 25 and Morgan District, Map 10, p/o Parcel 8; R-1, Single-Family Residential District. This petition was tabled at the Planning Commission's May 12, 2016 hearing. **WITHDRAWN BY THE APPLICANT**

Fletcher stated the applicant has withdrawn the application to explore other design options with possible access through Dorsey Avenue.

Stranko asked if the developer has been able to meet with property owners to discuss project. Fletcher noted Staff has been unsuccessful in scheduling a meeting with the petitioner to discuss meeting with property owners.

Loretta asked if the property would be annexed into the City. Fletcher stated there has not been an application submitted to annex the property.

**V. NEW BUSINESS:**

- A. MNS16-08 / Suncrest United Methodist Church / 479 Van Voorhis Road:**  
Request by Richard Gimbl, on behalf of Suncrest Methodist Church, for minor subdivision approval of property located at 479 Van Voorhis Road; Tax Map 6, Parcels 60, 61, 61.1, 61.2, 63, 64, 65, 66, & 67; PRO, Professional, Residential and Office District.

Fletcher presented the Staff report and noted the church is interested in doing improvements and construction on their campus. Fletcher explained the campus is comprised of multiple parcels and will need combined so that all the principal and accessory structures and uses are located on the same parcel.

DeMasters recognized the petitioner's representative John Wilson who stated he concurred with the Staff Report.

DeMasters asked what zoning classification would apply to the property. Fletcher explained the portions of the campus realty is located within the PRO District and portions are located within the R-1 District. Staff suggested the zoning classifications remain the same.

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 hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Kawecki asked if current lot designations are lost with combining the parcels. Fletcher confirmed and referred to the Staff Report to explain the parcel boundaries.

Kawecki asked how the zoning districts would be delineated. Fletcher explained the two districts would remain as they are zoned now and noted the parcels within those districts would be combined into one large parcel. Fletcher noted there are several instances in the City where one parcel has multiple zoning classifications. Fletcher explained all parcels have to be combined in order to remove the non-conformity of the existing structures being located on separate parcels.

Kawecki asked if the accessory structures located within the R-1 District would have to be built to R-1 standards. Fletcher confirmed.

Petros asked if more than one house could be built on the property. Fletcher noted he would have to check the Planning and Zoning Code and noted that one caretaker house could be built to serve as an accessory use to the church.

Fletcher explained the petitioner has the right to pursue the project as the request is considered an administrative decision.

Stranko moved to approve Case No. MNS16-08 with Staff recommendations; seconded by Kawecki. Motion carried unanimously.

- B. TX16-08 / Suncrest United Methodist Church / 479 Van Voorhis Road:** Request by Richard Gimbl, on behalf of Suncrest United Methodist Church, for a Zoning Text Amendment to Table 1331.05.01 of the City's Planning and Zoning Code to permit "Churches, Places of Worship" in the PRO, Professional, Residential and Office District as a conditional use.

Fletcher presented the Staff Report.

DeMasters recognized the petitioner's representative John Wilson who stated concurred with the Staff report.

Loretta asked if a new church under the proposed text amendment would affect surrounding businesses such as a restaurant serving alcohol. Fletcher explained that churches are permitted by-right in the B-2 District and stated he believes a liquor license would be protected should a restaurant exist before a church.

Loretta asked if the church maintains their exempt status for property and B & O taxes when in a commercial zone. Fletcher stated he believes churches are required to pay a fire and service fee but was not familiar with the status of Business and Occupation tax obligations or property tax obligations.

Petros asked why churches were not permitted in the PRO district. Fletcher expressed he was unsure of why churches are not allowed in the PRO District and expressed confusion as well.

Fletcher also explained Staff's recommendation to include "Church, Place of Worship" uses as conditional uses in the Office and Institutional District and the Industrial District.

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 hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Stranko moved to forward a favorable recommendation to City Council for approval as presented by Staff for Case No. TX16-08; seconded by Blosser. Motion carried 5-1 with Loretta voting nay.

- C. RZ16-05 / South Baptist Convention – Home Mission Board of Trustees / 519 Burroughs Street:** Request by Joseph V. Schaeffer, Esq., on behalf of South Baptist Convention – Home Mission Board of Trustees, for a Zoning Map Amendment to reclassify a portion of Parcel 33 of Tax Map 55 from R-1, Single-Family Residential District to B-1, Neighborhood Business District or B-2, Service Business District.

Fletcher presented the Staff Report.

DeMasters recognized Joseph Schaeffer who concurred with the Staff Report and expressed that rezoning to B-1 is inappropriate and therefore withdrew the request for the property to be rezoned to B-1 and stated the request is now only for B-2. Schaeffer noted a minor subdivision request was made and referred to Addendum A of that Staff Report to explain the area requested to be rezoned to B-2. Schaeffer noted that letters of support have been submitted and expressed the map amendment will benefit finances and revenue for Calvary Baptist Church. Schaeffer

noted that areas surrounding the property are zoned as B-2 and granting the request would allow for the land to remain consistent with adjoining properties. Schaeffer stated the reclassification to B-2 would be consistent with the goals of the Comprehensive Plan and the property uses in the corridor enhancement area. Schaeffer stated there has not been opposition expressed and the church wants to maintain a good relationship with the community.

Petros asked if the current property owner would maintain a buffer of 20 feet. Schaeffer stated it is his understanding that the buffer would be maintained by the new property owner as a condition of purchase.

Petros asked if a condition of purchase is a deed restriction and would it be attached to the property forever. DeMasters explained that it all depends on how it is written.

DeMasters asked if the contract for sale is contingent on the rezoning. Schaeffer confirmed.

Kawecki asked if surrounding property owners were notified of the rezoning request. Fletcher confirmed and explained the areas that were notified.

Kawecki asked if the adjacent property between lot 33.1 and 34 is a right-of-way. Fletcher explained the parcel boundaries shown are not representative of what has been approved.

DeMasters asked if the petitioner would have to come before the Planning Commission or the BZA if the land were to be rezoned and subdivided and used off-site parking for another parcel. Fletcher stated that would have to go before the BZA for conditional use approval.

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 hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Stranko moved to forward a favorable recommendation to City Council for approval as presented by Staff for Case No. RZ16-05. Petro stated he would like to have further discussion on the petition before voting.

Petros expressed it is the job of the Planning Commission to protect the R-1 neighborhood and the 20 buffer in the rear of the property is not guaranteed.

Blosser expressed he would not like to see the green space removed. Petros agreed and stated there is no guarantee the green space would remain as there is discussion that this property would be turned into a parking lot.

Stranko noted the homes in the rear of the property are positioned in such a way that would not be affected by the accessory use or the change in zoning to B-2.

Discussion ensued regarding the rear buffer of the property and how it might affect the houses behind the property.

Fletcher asked the petitioner if he would need to speak with his clients regarding the 20 feet buffer. Schaeffer stated there are minimal setback requirements to the zoning district and

therefore the off-site parking use would not encroach onto the rear property owners. Schaeffer stated he would have to discuss the lot shape and rear buffer concerns with his client.

Discussion ensued regarding the shape of the lot and the square footage and landscape requirements for a parking lot in the B-2 district.

Kawecki asked if a parking lot use would have to go before the BZA who could then put conditions on the petition and require a rear buffer. Fletcher confirmed. Petros noted the petition cannot go before the BZA without prior approval from the Planning Commission concerning the zoning map amendment.

Stranko expressed that neighboring properties do not require a lot of protection and what protection they do require will be provided by the Planning and Zoning Code, Staff or the BZA.

Stranko stated he had a motion on the floor to forward a favorable recommendation to City Council for approval as presented by Staff for Case No. RZ16-05. The motion was seconded by Kawecki. Motion failed to carry a majority resulting in a 3-3 vote with Loretta, Petros and Blosser voting nay.

- D. MNS16-07 / South Baptist Convention – Home Mission Board of Trustees / 519 Burroughs Street:** Request by Joseph V. Schaeffer, Esq., on behalf of South Baptist Convention – Home Mission Board of Trustees, for minor subdivision approval of property located at 519 Burroughs Street; Tax Map 55, Parcel 33; R-1, Single-Family Residential District.

Fletcher suggested Staff meet with the petitioner to discuss concerns prior to consideration of the minor subdivision petition. Schaeffer agreed.

Stranko moved to table MNS16-07; seconded by Blosser. Motion carried unanimously.

- E. MNS16-09 / Marano / 1217 Lions Avenue:** Request by Lisa Mardis of Project Management Services, on behalf of Gary and Deborah Marano, for minor subdivision approval of property located at 1217 Lions Avenue; Tax Map 7, Parcels 24, 25, and 28.1 R-1, Single-Family Residential District.

Fletcher presented the Staff Report.

Fletcher noted the petitioner requested Staff represent the petition.

There being 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 hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Stranko moved to approve MNS16-09 with Staff conditions; seconded by Blosser. Motion carried unanimously.

**VI. OTHER BUSINESS**

**A. Committee Reports**

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

**B. Staff Comments:**

- Fletcher informed the Commissioners that will be a joint Planning Commission workshop with both the City and County Commissioners the week of August 22<sup>nd</sup>.
- Fletcher stated Charles McEwuen submitted his letter of resignation from the Planning Commission given changes made to the eligibility requirements by City Council. Fletcher understands the City Manager is working to identify a candidate.
- Stranko asked if a workshop is forthcoming to discuss zoning regulations and past complaints that have been brought before the Commission. Fletcher stated a workshop will be scheduled in September or October.
- Kawecki inquired about the Downtown Design Standards project. Fletcher stated a steering committee will be scheduled in September or October.
- Fletcher advised the Commission that a consultant was retained to overhaul the sign regulations and asked for volunteers from the Planning Commission to serve on the project's steering committee.

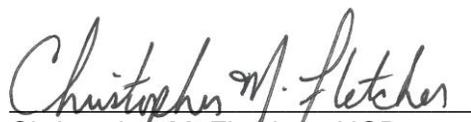
**VII. FOR THE GOOD OF THE COMMISSION:**

**VIII. ADJOURNMENT: 7:47 PM**

MINUTES APPROVED:

September 8, 2016

COMMISSION SECRETARY:

  
Christopher M. Fletcher, AICP