

FAIRMONT PLANNING COMMISSION

The special meeting of the Fairmont Planning Commission was held May 19th, 2021 @ the Public Safety Building 500 Quincy St. Fairmont WV.

President Greene called the meeting to order at 7:00 p.m. and asked for a roll call of members.

ROLL CALL OF MEMBERS

MEMBERS PRESENT

Commissioner Yann
Commissioner Wean
Commissioner Jura
Commissioner Straight
Commissioner Bledsoe
President Greene
Commissioner Lambert
Commissioner Richardson

MEMBERS ABSENT

Commissioner Majic

Commissioner Straight makes a motion to excuse Commissioner Majic from tonight’s meetings, as he has a prior work commitment. Commissioner Yann seconds the motion, all in favor. Motion passes.

CITY STAFF

Director of Planning and Development – Shae Strait
Senior Staff Assistant –Kirstin Poluck

APPROVAL OF MINUTES from April 21st, 2021

Commissioner Straight motioned to approve the minutes and Commissioner Richardson seconded the motion. All were in favor.

NEW BUSINESS / PUBLIC HEARINGS TO SET FOR May 19th,2021

1. **PC 21-04:** Zoning Map Amendment – Michael Bonasso is requesting a rezoning from General Residential to Neighborhood Mixed Use for the following parcels: all parcels on the south side of Haymond St between the Gateway Connector and Clay St, all parcels on the southern side of Clay Street between Haymond St and Wood St, 326 Wood St, and 328 Wood St.

President Greene asks if anyone here is to in favor of the request. Mike Bonasso of 1000 South Ridge Road in Fairmont is here in favor of the request. Mr. Bonasso states that two years ago he purchased property from Mr. Urso. Mr. Urso owned several properties in the neighborhood as well as a furniture store and was willing to sell them all together. Mr. Bonasso purchased the properties with the plan to use the furniture store as a hair salon for his daughter. However, prior to being able to open the hair salon he had to go before the Board of Zoning Appeals in order to open a different business than the furniture store that was previously in that building. Once he received the approval half the furniture store was remodeled for his daughter’s hair salon and an apartment for his son. The other side of the furniture store is still vacant and needs renovated. Before renovating he would like the area to be rezoned so that every time, he has a new tenant come in he doesn’t need to go before the Board of Zoning appeals for approval. This was also something that was recommended by staff.

President Greene asks if anyone is present in opposition of the request.

Jeffrey Raymond of 327 Haymond St. is here to speak. He is the new owner of the home. He has an issue with the home becoming mixed use. He believes there is enough traffic with it being a passthrough from the connector. He purchased this home as his retirement home and in order to be close to his family and believes that each business that is wanting to go in should be evaluated each time. Mr. Raymond wants a safe place for the children to play and the extra traffic that new businesses would bring to that area wouldn't foster that.

Francis Halpenny, of 334 Wood St, is also here to speak against the request. She has young grandchildren that play in the street and more business will bring more traffic to the area. The connector itself has created a lot of issues because Wood St is a pass-through street for Haymond, additional businesses being added would just create more traffic.

President Greene asks if anyone else is here to speak against the request.

There was no one.

President Greene closes the public hearing.

President Greene asks for a motion regarding the text amendment.

Commissioner Bledsoe makes a motion to approve the amendment, Commissioner Wean seconds the motion.

Commissioner Jura asks if it is possible to just do one lot?

Planning Director Shae Strait states that that would be considered Spot Zoning and that we should avoid that practice when able. The best practice is to do no less than ½ a block. The commission however is able to recommend alternative amendments however.

Currently, Mr. Bonasso has to go before the BZA everytime he wants to change tenants for his business. Every use we classify differently. They are the only board who has that purview.

Commissioner Bledsoe states that once the amendment makes it to city council it is either voted up or down. So, if changes are going to be made, they need to be done at this meeting.

Commissioner Straight would like to know if all the other tenants in the area have been notified of the rezoning request.

Planning Director Shae Strait states that we in the Planning Department have mailed out letter to every building / owners of the homes within 260 feet of the rezoning requested area. Also, there were signs put on the Haymond and Clay as well as a legal ad in the paper.

Commissioner Richardson wanted to know if we could table to item until we could add speed limits and speed bumps to slow traffic.

Planning Director Shae Strait states he likes Commissioner Richards idea. Speeding is definitely occurring and he does advocate for something to be done in order to help with that. We will have to check with Public Works and the Streets department to see what funding we have in place.

Commissioner Bledsoe states that the traffic can be handled separately than the issue tonight. President Greene also agrees with Commissioner Bledsoe and states that Fairmont could stand to revisit there zoning because a lot of the places that could be added and would add something to the community.

Commissioner Yann would like some clarification on the previous comments about amendments the board could make. Shae states that while the board can agree with the recommendations of the staff, they are also free to make their own recommendations as well.

Commissioner Bledsoe states that he is for business being brought to Fairmont, he does understand the issues with this being a residential area. There was also a statement about the property addressed 329 being able to be developed. What could someone do on that lot? Planning Director Shae Strait states that is would require a 10-foot buffer yard in addition to the 5-foot set back already in place by the zoning requirements. Only a narrow strip could be developed. Parking lots also would not be able to be done. It would also be tough to build commercially, even adjusting the zoning it would still be best used for homes.

Commissioner Richardson wants to know if something was done vertically would it be an issue. Commissioner Yann also questioned whether there would be restrictions on the hours the business could be open. Planning Director Strait stated that while additional rules still apply once a business goes in. 25,000 sq feet on the 1st floor, 5000 total foot areas 8 am -10 pm. NO restrictions if you meet the other requirements.

Commissioner Wean questioned whether a building close to the property line on Wood Street would still be able to be a business. Planning Director Shae Strait that the existing buildings are not required to follow because of being in place before the zoning code was established.

Commissioner Bledsoe states of the size of the remaining space left would not be an issue for that neighborhood. Planning Director Shae Strait stated that Neighborhood Mixed Use is the only one that would fix that issue. There would be a substantial burden to the owner of the business if this zoning is not changed. Staff is in favor of the rezoning in order to foster business growth.

Commissioner Straight proposed extending the vote so that something to be done on Haymond St. It would have to the Street department and Public Works. He would entertain a motion to approve the request with the conditions of speedbumps being added.

President Greene states we can't change the parking situation we will deal with the motion and then he recommends getting in contact with City Council regarding this issue. President Greene asks for a motion regarding PC 21-04.

Roll call vote: Commissioner Bledsoe – Yes
Commissioner Greene - Yes
Commissioner Jura- Yes
Commissioner Lambert- Yes
Commissioner Richardson- Yes
Commissioner Straight- Yes
Commissioner Wean- No
Commissioner Yann- Yes

Motion Passes.

Commissioner Bledsoe will speak with the City Manager tomorrow regarding traffic work to be on Haymond Street. We could also propose One way streets.

PUBLIC HEARINGS TO SET FOR June 16th, 2021

1. **PC 21-05:** Text Amendments – Creating section 4.40 Home Garden within the Use Standards article to permit and regulate backyard chickens and beekeeping.

Planning Director Shae Strait stated that any of the proposed amendments are just draft today. Also, there is currently a public survey being done regarding chickens. There is not a backyard chicken ordinance as it stands. There was a change several years ago that gave city code over chickens, however city code dictates it that the BZA controls chickens. There needs to be clarity with this. President Greene asks for a motion to PC 21-05. Commissioner Yann motions to approve the request, Commissioner Richardson seconds the motions. All in favor, motion approved.

2. **PC 21-06:** Text Amendments to Article 4 – Creating section 4.38 – Car Washes and section 4.39 – Towing Services.

Planning Director Shae Strait discussed the need for creating a section describing towing services and carwashes. Currently they are considered a nuisance and a minimum standard need to be created. President Greene called for a motion on PC 21-06. Commissioner Bledsoe motioned for approval, Commissioner Yann seconds the motion. All in favor. Motion passes.

3. **PC 21-07:** Text Amendments to Article 2 – Definitions to rename the article Definitions and Measurements, amend existing definitions, add new definitions, and create the measurements section, a subsection dedicated to understanding how bulk, area, development standards, and other requirements are measured and regulated within the zoning code.

Planning Director Shae Strait stated that currently there are several legal definitions and measurements that are currently missing from the zoning code. We are going to bring some new definitions and update the others. We will also be creating a measurement standard and updating to a more user-friendly use chart. This will be people who are unfamiliar with the zoning code and also help the zoning districts be as transparent as possible. President Greene asks for a motion to approve PC 21-07. Commissioner Jura makes a motion to approve, Commissioner Richardson seconds the motion. All in favor, motion passes.

Staff updates- Planning Director Shae Strait states that the office has been busy with federal grant applications and making changes to the permitted use chart. We are also redoing the development standards. Rules can be based on use types and create better control over districts with clearer regulations.

Commissioner Yann asks if this will just be clarifications on the zoning districts or changes to take place?

Planning Director Shae Strait states that the change will mainly be to clarify things but that there may be some changes to zoning districts. Any changes that will be made will be clearly shown for members. Changes will be mainly in phrasing.

OTHER BUSINESS

There is no other business

ADJOURNMENT

**Commissioner Straight motion to adjourn the meeting, Commissioner Jura seconded the motion.
Motion approved.**