

FAIRMONT PLANNING COMMISSION

The regular meeting of the Fairmont Planning Commission was held on January 18, 2017 at 7:00 p.m. at the Public Safety Building located at 500 Quincy Street.

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

ROLL CALL OF MEMBERS

MEMBERS PRESENT

President Oliver
Commissioner Parker
Commissioner Straight
Commissioner Richardson
Commissioner Greene
Commissioner Carpenter

MEMBERS ABSENT

Commissioner Blickenstaff
Commissioner Majic

Commissioner Straight motioned to excuse Commissioners Blickenstaff and Majic from the meeting tonight.

Commissioner Greene seconded the motion.

Motion carried 6-0

CITY STAFF

City Manager – Robin Gomez
City Planner – Sandra Scaffidi
Planning Secretary – Maria Cipolla

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES FROM DECEMBER 21, 2016

Minutes were not included in the packet.

Commissioner Straight motioned to table until the February 15, 2017 meeting

Commissioner Richardson seconded the motion.

Motion carried 6-0

PUBLIC HEARING FOR JANUARY 18, 2017

1. Steve Sinclair requests the abandonment of a right of way along Bryant Street between Locust Avenue and Ridgely Avenue located between tax maps 3-26-3 and 3-26-13.

President Oliver asked if there was anyone to speak in favor of this request.

Steve Sinclair: I would like to build a duplex on this property. When I build there, the building will be going across the right-of-way so I want to abandon it.

President Oliver asked if there was anyone to speak against this request.

There were none.

President Oliver: The only thing we have as far as agency comments goes, is from Dominion Hope stating that the gas line does cross at the entrance of the right-of-way. All the other agencies had no issues with the abandonment of this right-of-way.

President Oliver asked for the staff report.

Sandra Scaffidi: We are abandoning the whole right-of-way so that we don't leave a fragment of a right-of-way behind. As long as there are no utilities in the right-of-way, I recommend the abandonment. It will also allow Mr. Sinclair to merge these two parcels together to create a buildable lot in that zoning district. As they are right now, they are not constructible.

President Oliver asked for a motion.

Commissioner Greene motioned to approve the request.

Commissioner Straight seconded the motion.

Motion carried 6-0

2. Life United Methodist Church is seeking an amendment to change the Technology District zoning restriction to include churches as a use permitted with conditions.

President Oliver asked if there was anyone to speak in favor of this request.

Jay Rogers, from Omni Architects, on behalf of Life United Methodist Church: Since our initial meeting in December, nothing has really changed. The High Tech Park Association is meeting next Thursday, January 26th at 3:30 p.m. They will review, discuss, and hopefully, amend their protected covenant to provide for this amendment that is before you tonight. We will know if the Park Association's decision before this goes before City Council.

President Oliver asked if there was anyone else here to speak for this request.

There were none.

President Oliver asked if there was anyone here to speak against this request.

There were none.

President Oliver asked for questions from the Commissioners.

Commissioner Straight: In the wording, Life United Methodist Church is seeking an amendment to change the Technology District zoning restriction to include church as a use permitted with conditions. Is that leaving it open to all churches or should this say a church as a use permitted?

Jay Rogers: You can't only permit one. The property is owned by the Technology Park. The Technology Park has control over who they sell property too. That would keep it down. There is not going to be 45 churches out there.

President Oliver: You would have to open it up for any and all churches.

Robin Gomez: This could allow for multiple churches.

President Oliver asked for the staff report from the **City Planner, Sandra Scaffidi.**

Sandra Scaffidi: It should not come as a surprise that I struggled with whether or not to recommend the text change. I understand the church desires a new location right now but I feel we have to consider any implication of any text changes on future land development. If we allow one church in this district, we could allow 50 churches in this district, possibly. High Tech Park is one of Fairmont's crowned jewels. It has put our area on the map. The park was established to attract economic development in this area. The idea was to use this park to recruit new and innovative businesses so that they could train a whole new work force for the area. This is to help transport the blue collar worker into an innovative worker. Since I was not involved in the initial development of the Technology District zoning, I looked back at historical documents; I spoke with colleagues from that time. They felt the zoning was very deliberate and intentional at the time. We also have to go back and look at the Comprehensive Plan for guidance. Jay used the Comprehensive Plan to support his argument but I think the Comprehensive Plan also talked about strengthening this High Tech area and focusing it for businesses. So, I must respectfully recommend against the text amendment.

President Oliver: I remember being on the Board when we were first creating the High Tech District. We didn't know what could go in there. There were certain things that were not added. One of the things that we definitely didn't think

about was a church. I think that is something more of a thing that High Tech Consortium should look at. How do they want to strengthen that area and what they want to have in it because it is theirs?

Sandra Scaffidi: The other question I had was the High Tech zoning district is the only zoning district that specifically excludes churches. I don't know if you remember, maybe Jay [Rogers] could say why that was at the time, but I just thought that was a curious element. In the definition for technology though, it talks about mental health, safety, comfort, and morals. There is such a dichotomy there.

Robin Gomez: To the members of the Commission, the purpose of the Tech Park was to diversify the region of the Northern region in the state. It was for future growth, sustainability, and technology. This was done to bring in different industries to come in and add with the changing of the reliance of the region and the state on mineral extraction and natural resources. So it has been extremely successful. That is what the purpose was. That is what occurred. That maybe the reason why the exclusion of a church. A church serves a specific social, economic, moralistic, and a variety of other reasons, benefits, and purposes for existing. When you are trying to diversify an economy, a church may not necessarily reflect in job growth, economic vitality, and in bringing in a diversity to trying to grow an economy. Churches are tax exempt, as are other government schools. I can see the hesitancy for the reason for excluding from this zoning, however, the Technology Foundation has struggled in the last couple of years. They did declared bankruptcy in the summer. Now, trying to attract businesses to the area poses some challenges and opportunities at the same time. You look for the highest and best use. However, we are in North Central West Virginia, a use is what we are looking for. Sometimes that use isn't going to be the highest or best use nor the moderate. It could just be a use.

President Oliver: I look at the churches now becoming more modern and having after-care for children and daycares in them. That area out there is lacking that there. Maybe that church could bring in some revenue by placing people in there like there.

Robin Gomez: Correct. There are other ancillary services that churches bring but we are hesitant for this type of use in this zoning because of what the intent was with the original Technology Park but there are opportunities on how to improve so it is not the best or moderate use but it is a use and, it occupies a structure that needs an occupant. So that is our struggle with this request.

Commissioner Greene: First of all, I want to thank Sandra for taking a stand, for lack of better words. If it was light outside, I would be able to see at least three churches from the seat I am sitting in right now which is a very good reason it would have gotten left out of the planning out there. Also, only about a third of that property is developed currently and we are having trouble filling it up. For me, it is a matter of 1) leave that building unoccupied and hope that someone else becomes interested in it; or 2) is it better to get someone in there now. I go there about once a quarter for training purposes. It is pretty quiet most of the time.

Commissioner Carpenter: When you say the church may start up a daycare or childcare center, if they put that in there, wouldn't that be tax exempt? Would we be able to collect B&O taxes on that business?

President Oliver: There would be no B&O taxes collected, correct.

Robin Gomez: If the church is operating it, then no. We will not be able to collect any revenue from that business. If the church hires someone, if they sub-lease to a private company or individual, than they would be subject to taxes.

Jay Rogers: In the Technology District, there are already a number of exempt properties out there that are not churches and not paying taxes.

Robin Gomez: We have a spreadsheet for City Council of what we do receive for the B&O taxes in the Technology district from the current tenants other than First Energy and Mon Power. I will forward it to the Commissioners. One of the newest structures out there is Pierpont which is exempt.

President Oliver asked for a motion on this request.
Commissioner Straight motioned to approve the text amendment.
Commissioner Greene seconded the motion.
Motion Carried 1 against, 1 abstained, 4 approved.

PUBLIC HEARING TO SET FOR FEBRUARY 15, 2017

None

NEW BUSINESS

1. City Capital Improvement Plan:

City Manager, Robin Gomez presented the new Five Year Capital Improvement Plan to the Planning Commission. The plan will become effective July 1, 2017, once City Council approves it.

Robin Gomez discussed:

- a. Debt Services
- b. New vehicles for both the Police and Fire Departments and building maintenance, equipment, as well as body cameras, two new lounge chairs, and other equipment.
- c. Masonic Temple
- d. GIS system.
- e. Funding new sidewalk and the grant in the amount of \$400,000 the City has applied for.
- f. Parks equipment and maintenance as well as surveillance at windmill and maybe Morris Park.
- g. Data Processing and Coal severance
- h. Demolition and TIF funds.

President Oliver motioned to approve the Capital Plan
Commissioner Greene motioned to approve the Capital Budget
Commissioner Carpenter seconded the motion.
Vote was 6-0 in favor.

2. Election of Officers

- a. **Chairman**
- b. **Vice Chairman**

President Oliver asked for a motion to table this item until next month due to the fact that City Council will be renewing and appointing a total of three positions at their next meeting for the Planning Commission.
Commissioner Greene motioned to table the election.
Commissioner Richardson seconded the motion.
Motion carried 6-0

CITIZENS PETITION

None

OTHER BUSINESS

1. Commissioners Comments:

Commissioner Greene thanked Robin for his presentation of the budget.
Commissioner Straight thanked the fire department for doing a great job containing the fire on Fairmont Ave.
President Oliver welcomed Shane Carpenter to the Board. He also mention that Mike Kisners' tenants are parking on the sidewalk and on the road were parking isn't allowed. He also requested the City consider making both Gaston and Virginia Avenues one-way streets.

2. Staff Updates: Thank you and appreciate all of your hard work. Welcome Shane to the commission.

ADJOURNMENT

President Oliver asked for a motion to adjourn.

Commissioner Straight made a motion to adjourn.

Commissioner Greene seconded the motion.

Motion carried 6-0