

FAIRMONT PLANNING COMMISSION

The regular meeting of the Fairmont Planning Commission was held on May 16, 2018 at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

President Straight 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 Carpenter
Commissioner Blickenstaff
Commissioner Greene
Commissioner Parker
Commissioner Richardson
Commissioner Wean
President Straight

MEMBERS ABSENT

Commissioner Yann
Commissioner Majic

Commissioner Greene motioned to excused Commissioner Majic from tonight's meeting.

Commissioner Carpenter seconded the motion.

Motion carried 7-0

CITY STAFF

City Planner – Sandra Scaffidi
Senior Staff Assistant - Maria Cipolla

PLEDGE OF ALLEGIANCE

Commissioner Richardson led the Commissioners in the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Greene motioned to approve the minutes from April 18, 2018

Commissioner Richardson seconded the motion.

Motion carried 7-0

PUBLIC HEARING FOR May 16, 2018

1. Mykron Development is requesting a rezone of 6 parcels bordering the May Brother's Concrete Company from General Residential to Main Corridor Commercial.

President Straight: Is there anyone to speak in favor of this request?

Mike Staud, co-owner of Mykron Development and May Brother's Co. We purchased May Brother's last year. Our intention was not to run it as a concrete company; rather, we wanted to revitalize those 15 acres into something that is more neighborhood-friendly for the people that live there. The plant sits on 10 acres that is zoned Main Corridor Commercial. It is an industrial factory sitting in Main Corridor Commercial. We have an additional five acres there that May Brother's owns. We are looking to have all of it rezoned for the purpose of putting townhomes there. How many will be there will depend on the layout. Tonight I want to paint two pictures offering two scenarios that my partner and I have discussed and are prepared to move forward to do. One of those options requires the rezoning; the other does not. Regardless of the decision here tonight, we will take the decision that you have given us and more forward aggressively with that plan. Before I get into those scenarios, let me just state that May Brother's opened up in 1917. I think everyone would agree that is a poor location for a concrete plant. We couldn't agree any move. It is not suitable for neighborhood use. The people are living with a concrete factory in their backyard. However, it is what it is. May Brother's came before anything else was there. When May Brother's began, there was no zoning in place. About thirty or forty years later, the City of Fairmont decided that it was not an industrial property, but Main Corridor Commercial. So the City has already said that May Brothers is misplaced. It is not in a good location by your own definition of zoning. Fortunately, we have a plan. One of the options that I will offer is to rectify that. The first option I will call 'Neighborhood Friendly.' Over a year ago, we purchased a building on Morgantown Avenue (he showed a picture of before and another one after). It sat empty for over a decade. It was an eyesore. Once we gutted the building, we realized we had something very unique and decided to convert it into two-bedroom, two-bath duplexes. There are currently three rental units in there now.

A fourth will be complete in June. The average rental rate for these apartments is \$1,300.00 a month. Our desire is to have the same type of townhomes down onto the five acres that border May Brother's that we want rezoned (Mike showed a rendering describing what the townhouses will look like, as well as, the street layout). The rental units will be in the same range as what we have on Morgantown Avenue. We are looking for high-end renters. This will not be substandard housing. Once they are complete, we will then turn our attention to the ten acres of May Brothers. We will find a new home for May Brothers and permanently remove that factory plant from away from that area. In its place, we would seek commercial properties and revitalize the hundred-year buildings that are already there. We have demonstrated, in good faith, that we can do that. We will turn those buildings into something we can all be proud of. Also, in the news, has been the connector for the Rails-to-Trails between Parkersburg, WV, and Pittsburgh, PA. Five segments of that trail are missing; one of them is in the back yard of May Brothers. Days after we purchased this property, the County Commission [Marion County Parks and Recreation- McPARC] approached us. They wanted to know how willing we would be to work with them to get the trail to come through there. Immediately, we said yes. The previous owners were not willing to have that happen. We see the benefits because of the vision we have for the property. We agreed to, in a handshake, the County Commission is looking to purchase the CSX line that come through the back door of May Brothers. It will come out in front of the apartments that we built on Morgantown Avenue. That would give us another egress out of May Brothers. We would give them access onto our property making the Rails-to-Trail much more traversable. Right now they would have to come over a hillside where there use to be a trestle and a bunch of switchbacks. It would not make a good Rails-to-Trail. We would relocate May Brothers in the City and turn this into a neighborhood-friendly area. Scenario Two we are prepared to do. We call it 'Industrial Revolution.' For the last ten years, May Brothers has been going downhill. We are contractors and have a lot of contacts. The business is now on an up-swing. Tonight, we have a new cement truck being delivered, because of the number of orders we have been receiving. We also purchased two other trucks. Business is beginning to expand tremendously for us. If the answer is 'no' tonight, then it really forces us to keep the factory right there, turn up the heat, and make it run as hard as it can run to make this make money for itself. I don't think the City wants that; I don't think the neighbors want that, but that is a reality. I will end with a statistic. We had our recent EPA visit. We passed with flying colors. In that visit I asked them to interpret how much concrete we could produce at this plant by EPA standards. His answer was shocking to me. Currently, May Brothers produces two yards of concrete an hour for an eight hour day; that is 16 yards a day on average. It is about 300 yards a year. One truck can handle that. The EPA allows us 30 yards per hour; 24 hours a day. That is where we are headed. That is what we will do to make this concrete plant viable again. I understand the Comprehensive Plan. Someone is coming to move an industrial site out of a neighborhood; that is pretty big for everyone. Thank you.

Kenny Cook: There is not much more I can say. Mike [Staud] did an excellent job presenting what he wants to do. I have been in business with them [Mykron Development] for many years. They do a super good job. I think what they are proposing is an asset to the City. I didn't hear Mike's speech until tonight. I can't add to it, but I will tell you that as far as the neighborhood and the whole concept they have, if it doesn't go, I will strongly consider supporting his Plan B and I have the means to do it. This is in your hands.

President Straight: Is there anybody else to speak in favor?

There were none.

President Straight: Is there anybody to speak against this request?

Marie Nardi: Sir, I think you need to learn more about your geography. I live on Graham Street and I have a straight shot to May Brothers. It has been there a long time. It is the only business we have left on East Side. Personally, I would like to see it do more. It doesn't bother me one bit. We don't hear any noise. We don't hear anything from it. You are right on the water. What else do you have planned for that- boat docks?

President Straight: We don't need to get into what they want to develop later. What we are discussing right now is what he wants to develop right now. That is what we need to discuss. You need to say that you are in opposition and why.

Marie Nardi: I don't want a bunch of townhouses behind me. The roads will not take it. The roads are not wide enough. They would have to be widened. They would be in a lot of these people's front door. You have to take a look at what is down there. There is no way that Vine Street is going to handle all that traffic. I don't want a bunch of college kids or whatever is in there making a lot of noise and disturbing the neighborhood. It has been there for a lot of years. My home has been there since 1955. My family has always owned it. May Brothers have never bothered us. I hope they

do stay and go like gang busters, because the roads will not take all the traffic from townhouses. Who knows what access they are going to do? If they go down Vine Street, straight across Terrace Manor, it is not good. They don't take care of anything on East Side to begin with. What makes them think that anything is going to be any different? I'm sorry, but the City doesn't. My road hasn't been paved for I don't know how many years. There was a time when the sewer would come up in my front yard and they would have to flush it out. We don't need any more down there at all. It is going to endanger the kids that do live there; we do have some small children on these roads. If they go up and down Vine Street, it is going to be in their front door. You can't modernize something that has been there since the fifties. Where are you going to widen the streets? What are you going to do for the water run-off? I already have enough for the church. I like progress too, but not at somebody else's expense.

Angela Mitchell: We live in the area. I have some questions. I would like to know what are the plans for the roads and the access to the townhomes? We have small kids in the area. You can't fit two cars going two different ways on these roads right now; they will have to be widened. We don't get much traffic. We have dead-end streets. We like May Brothers. It is part of the neighborhood. We are currently not hooked up to City sewer. We have a septic tank. When they come in and get hooked up, does that mean we are hooked up? Whether or not this goes through, we personally have an option for them [May Brothers] to extend your property by purchasing our property. I want to put that option out there. We hope you make the company grow.

Chester Kelly: Vine Street and Holly Street have enough traffic on them now. Let them build it, but have them go down Terrace Manor. Face the house towards the plant and go out that way.

Barbara May: I am devastated to think about this to be in my side yard. Holly and Vine Streets are dead-end streets. It is a quiet neighborhood. It is full of kids; the streets are narrow and the houses are close to the street. If they widen the street, it will be about two feet from my house. I would be thrilled if the concrete company grows. That is fantastic. I would love that. May Brothers is not a problem for the community; it never has been.

Angela Mitchell: Is there a timeline for the townhouses to be built? Also, are you aware of the run-off creek that runs through the property?

Mike Staud: I would say it will be six months to a year when we would be starting the project. The City and their storm water will be involved with the storm water run-off and how we need to capture the water on our property. It has not been dealt with effectively there. There is a lot of water there.

President Straight: Anybody else to speak against?

There were none.

President Straight: At this time I need a motion to close the public hearing.

Commissioner Blickenstaff motioned to close the public hearing.

Commissioner Carpenter seconded the motion.

Motion carried 7-0

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

Sandra Scaffidi: Before I begin my staff report, I just want to clear up some misconceptions that may have developed through the course of this evening. First, I notice some of the concerns are about the roads, flood, and storm water. That is not a part of the zoning issue right now. That is something we will discover during the Development Review (DRC) process. We host them whenever we have developers coming to town. We gather all our senior leaders together and discuss all these issues and others that are related to public works, traffic, storm water, policing, building codes, and fire. By this rezoning conversation, I think it is unfair to put those concerns on the applicant at this point, because we really aren't ready to discuss that at this time. Obviously, those will be addressed at a later point, if we move forward with the rezoning. The applicants would be required to capture their storm water as Mr. Staud had stated. They will have to keep it on site. They can't send it to somebody else downhill. So that is a process that we have at the City. Anybody is welcome to apply and speak with us at a DRC. I also want to mention about the rail trail. This is something the City is supportive of, but right now it does not connect because it does go through private property. There is no access on private property. MCPARC did apply for a grant to purchase property through that area. The goal is to create a connected trail

that would connect through the tunnel and through Downtown. That has not happened yet, but I just wanted to clarify that is why the rail trail is not currently connected. I just wanted to clear that up before I begin my staff report.

Staff Report: The applicant is requesting to rezone the property from General Residential to Main Corridor Commercial. Currently, the General Residential Zoning District allows for single family homes. The property currently consists of seven parcels which are generally wooded. The geography is generally flat or rolling. The property is 2.489 acres in size. We need to base our decision on the 2005 Comprehensive Plan. A key component of the Housing section of the 2005 Comprehensive Plan is to encourage safe, attractive, and affordable housing and strengthen residential neighborhoods. A second component of the Land Use section of the Comprehensive Plan is to encourage small scale low density commercial uses to serve neighborhoods within walking distance. The future land use map of 2005 shows the area continues to be residential on the border of an expansive area. The 2005 Comprehensive Plan mentioned that quality riverfront development is a priority for the City. The Plan further states, "Plans for riverfront development on the East Side of the Monongahela River as a part of the overall redevelopment of the Downtown Central Business District takes advantage of underutilized industrial zoned property and envisions an area of mixed use development with residential, commercial, and entertainment high density uses." The 2005 Comprehensive Plan recognizes the need for safe, clean, and affordable rental housing serving people of all economic classes. The plan stated that in 2005, there was a lack in quality, multi-unit rentals in the City. The Plan further states that the City "should actively promote the development of medium to high density mixed income housing in proximity to major centers of employment and recreational or entertainment activity."

The recreation section of the Comprehensive Plan states that the City should provide a balanced recreation system that contributes to the well-being of families and individuals, the attractiveness of neighborhoods and the economic, social and environmental health of the community as a whole. This goal is supported by an action which includes the development of a system of neighborhood parks, linear parks, and recreation facilities. The Plan also mentions that the MCPARC Trail, with a trailhead on nearby Winfield Street connects to Morgantown and beyond, while the West Fork River Trail connects through town until a route can be connected using former rail property. To this end, the City has been working with MCPARC to complete this trail connection which was also identified in the Pittsburgh to Parkersburg Trail Feasibility Study by the National Rail Trail Conservancy. The Comprehensive Plan of 2005 also states that the City of Fairmont "should undertake renewal/redevelopment strategies that reverse the declining economic and social characteristics of the City by strengthening the housing, retail, commercial, industrial, and entertainment markets." This includes encouraging the private investment in the renewal/redevelopment process.

MCPARC is in the process of acquiring property to complete the trail and have been in discussions with the owner of the May Brothers Concrete Plant to work together to bring the trail through the area. Before the Planning Commission can make a recommendation to the City Council, the commission must find that the following statements are true: that there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted, and that those changes have substantially altered the basic characteristics of the area.

According to the Planning and Zoning Code (Section 8.10.4), the Planning Commission shall make a recommendation and present its findings and report to the City Council on requests for rezoning. The Planning Commission shall at a minimum determine that the following criteria have been met in order to approve a rezoning request: the need and justification for the proposed amendment (the area's character has not effectively changed. The character remains with primarily single family residential housing, however, a rails to trails connection is planned immediately beyond the property. The concrete factory is proposed to become small scale commercial shops. The effect of the proposed amendment on the property, the surrounding property and the City as a whole: while Main Corridor Commercial Zoning is more than necessary for the construction of duplexes, it is the only adjacent zoning. The planning work that is necessary for the completion of the rail to trail will transform the area but it is not currently changed. With that, staff recommends denying the application for the proposed rezoning. If substantial changes are made in the area surrounding the property, the applicant can revisit his request through the Planning Commission. When the City revises the Comprehensive Plan, the Commission can address changes in zoning for this property, if it is determined it is necessary, at that time.

President Straight asked the **Commissioners** had any questions or comments. The Commissioners discussed the request at length.

President Straight asked for a motion.

Commissioner Blickenstaff motioned to approve the request.

Commissioner Carpenter seconded the motion.

Commissioner Parker requested discussion on the motion to approve the request.

Additional discussion followed with the Commissioners about whether the motion meets the criteria to approve the rezoning request.

President Straight asked for a roll-call vote.

Roll Call Vote:

Commissioner Parker: No.

Commissioner Richardson: No.

Commissioner Carpenter: Yes.

Commissioner Wean: Abstained.

Commissioner Greene: No.

Commissioner Blickenstaff: Yes.

President Straight: No.

Motion to approve failed. Request to rezone was denied 4-2 with one abstention.

PUBLIC HEARING TO SET FOR JUNE 20, 2018

None

NEW BUSINESS

None

CITIZENS PETITION (For items not listed on the agenda)

Citizens must register in advance with the recording secretary.

None

OTHER BUSINESS

Commissioners Comment: None.

Staff Updates:

Sandra Scaffidi: We have a rezone scheduled for June 20th. That is West Virginia Day. We will need to reschedule our next public hearing until June 27th. [Commissioners agreed].

ADJOURNMENT

President Straight asked for a motion to adjourn.

Commissioner Greene motioned to adjourn.

Commissioners Richardson seconded the motion.

Motion carried 7-0

These minutes are not exact quotes. The statements above may have been paraphrased.