

## FAIRMONT PLANNING COMMISSION

The regular meeting of the Fairmont Planning Commission was held on August 22, 2018 at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

President Straight called the meeting to order at 7:05 p.m. and asked for a roll call of members.

### ROLL CALL OF MEMBERS

#### **MEMBERS PRESENT**

Commissioner Yann  
Commissioner Majic  
Commissioner Greene  
Commissioner Richardson  
Commissioner Parker  
Commissioner Wean  
President Straight

#### **MEMBERS ABSENT**

Commissioner Carpenter  
Commissioner Blickenstaff

Commissioner Greene motioned to excuse Commissioners Carpenter and Blickenstaff from the meeting. Commissioner Yann seconded the motion.  
Motion carried 6-0.

### CITY STAFF

City Planner – Sandra Scaffidi  
Senior Staff Assistant - Maria Cipolla

### PLEDGE OF ALLEGIANCE

Commissioner Majic led the Commissioners in the Pledge of Allegiance.

### APPROVAL OF MINUTES

July 5, 2018

Commissioner Richardson motioned to approve the minutes.  
Commissioner Greene seconded the motion.  
Motion carried 6-0

### PUBLIC HEARING FOR August 22, 2018

1. **Clean Metal, LLC dba 3 Rivers Iron & Metal is requesting a right-of-way abandonment between Parcels 3-3-277; 3-3-289; 3-3-276; 3-2-251; 3-2-256; 3-2-252 located on and/or near Virginia Avenue.**

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

**Barry Bledsoe, General Manager of 3 Rivers Iron & Metal:** The street we are talking doesn't have a name on any map. It is an extension of Fifth Street and runs down into our recycling facility. There are no other residents or businesses there. Years ago Alleghany Power use to use this to access a substation, but they have built their own access so they don't need to go through there any more. We have been on that site from 1997 until 2000. We left it for a couple of years and came back in 2003. The street used to be a dirt street. It got so bad; it made it impossible to get in and out. We have tractor trailers and cars coming in and out of there. The City won't do anything with it. I understand why. We are the only people down there. It is not a heavily traveled street. In 2017, we spent \$18,000.00 dollars of our own money to pave the street (Barry Bledsoe passed out an invoice showing the cost of the paving). Since that time, every other year we spend about seven to eight hundred dollars to seal it and make it last longer. We do our own snow removal and laying down salt every winter (Barry passed out pictures of the area too). We own all the parcels around it. We tried to do this a

long time ago. There was one parcel that we didn't own. John Amos owned it. He did not want to sell it, but he let us use it. Mr. Amos died it was tied up for years. It is only 1/4 of area. We bought it this year. The only thing that runs through there now is the abandoned CSX right-of-way. So we are asking for the City of Fairmont to abandon it. We will keep it maintained.

**President Straight** asked if there was anyone else to speak in favor of this request.  
**There were none.**

**President Straight** asked if there was anyone to speak against this request.  
**There were none.**

**President Straight** asked for a motion to close the public hearing.

**Commissioner Greene** motioned to close the public hearing.

**Commissioner Yann** seconded the motion.

**Motion carried 6-0**

**President Straight** asked **Sandra Scaffidi** for the staff report.

**Sandra Scaffidi:** The applicant requests the abandonment of the unopened ROW as his company owns property on either side of the ROW. The legislative intent of Fairmont City Code indicates that Council finds and declares that within the City there are one or more streets, alleys and public rights of way:

1. That do not, have not or will not in the future serve any public purpose
2. That exist only by means of appearance on plats or maps of sections of the City
3. That it would be in the best interest of the City to abandon and vacate such streets, alleys and public right of ways, thereby absolving any actual or contingent liability;
4. That would otherwise permit more appropriate land use within the City thereby promoting orderly development of the city (Ordinance 543, passed July 21, 1981).

These are the reason we need to prove or disprove whether or not the right-of-way abandonment is in the best interest of the City of Fairmont. Staff has concerns about the abandonment of this right-of-way. The City has been working with the Marion County Parks & Recreation Commission to complete the Pittsburgh to Parkersburg Rails-to-Trail Corridor and the Baltimore and Ohio Rail Corridor is an important key aspect of this recreational corridor. Additionally, by closing this ROW, the Marion County Chamber of Commerce will no longer have access to their property along the river, another key area for the Rail Trail and potential future development. Finally, the business that is operating adjacent to the ROW is a non-conforming use. According to Section 8.3. 2. Iii [of the Planning and Zoning Code], "no land beyond what was original to the use will be occupied or used by the non-conforming use." It is also in our Home Rule that non-conforming uses are not to be allowed. This property was singled-out in our Home Rule application as an area in our Beltline and an area to be revitalized in the future. Because of these reasons, staff recommends denying this request for abandonment of the right of way.

**The Commissioners and City Planner had a discussion about this matter.**

**Commissioner Greene** made a motion to approve the right-of-way abandonment  
**Commissioner Parker** seconded the motion.

**Roll Call Vote:**

**Commissioner Parker – No.**

**Commissioner Richardson – No**

**Commissioner Yann - No**

**Commissioner Greene - No**

**Commissioner Wean - No**

**Commissioner Majic - No**

**Motion carried 6-0** to deny this request.

**PUBLIC HEARING TO SET FOR September 19, 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: None.**

**ADJOURNMENT**

**President Straight** asked for a motion to adjourn.

**Commissioner Parker** motioned to adjourn.

**Commissioners Yann** seconded the motion.

**Motion carried 6-0**

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Motion carried 6-0.

### CITY STAFF

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Senior Staff Assistant - Maria Cipolla

### PLEDGE OF ALLEGIANCE

Commissioner Parker led the Commissioners in the Pledge of Allegiance.

### APPROVAL OF MINUTES

#### PUBLIC HEARING FOR August 22, 2018

1. The purpose of the public hearing is to hear, review and consider the draft City of Fairmont Comprehensive Plan Update. Copies of the draft plan are available to review in the office of the Planning Director, located on the 3rd floor of City Hall, 200 Jackson Street, Fairmont, West Virginia as well as the Marion County Public Library at 321 Monroe Street, Fairmont, WV.

President Straight opened the floor for public comments.  
There were none.

President Straight closed the public hearing.

President Straight asked for a motion to recommend the Comprehensive Plan be presented to City Council.

Commissioner Yann motioned to recommend the Comprehensive Plan to City Council.  
Commissioner Richardson seconded the motion.  
Motion carried 6-0

Commissioner Greene will present the Comprehensive Plan to City Council on September 11, 2018.

**PUBLIC HEARING TO SET FOR September 19, 2018**

**None**

**NEW BUSINESS**

**None**

**CITIZENS PETITION (For items not listed on the agenda)**

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**None**

**OTHER BUSINESS**

**Commissioners Comment: None.**

**Staff Updates:**

**Sandra Scaffidi: None.**

**ADJOURNMENT**

**President Straight asked for a motion to adjourn.**

**Commissioner Greene motioned to adjourn.**

**Commissioners Majic seconded the motion.**

**Motion carried 6-0**