

FAIRMONT PLANNING COMMISSION

The special meeting of the Fairmont Planning Commission was held June 16th, 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 Richardson
Commissioner Jura
Commissioner Straight
President Greene
Commissioner Lambert

MEMBERS ABSENT

Commissioner Majic
Commissioner Bledsoe
Commissioner Wean

Commissioner Straight makes a motion to excuse Commissioner Majic, Commissioner Wean, and Commissioner Bledsoe from tonight’s meeting. 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 May 19th,2021

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

NEW BUSINESS / PUBLIC HEARINGS TO SET FOR June 16th,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.

This is just a formality as there was a registered letter that was supposed to have been sent out at the last meeting regarding this issue. Mr. Bonasso again spoke with his plans for the area. Commissioner Straight questioned if staff mailed out registered letters to the surrounding properties. Planning Director Shae Strait stated that yes, we sent out the letter to the surrounding properties. President Greene asked if anyone was here to speak against the request. There was no one. President Greene closed the public hearing and asked for a motion on the request. Commissioner Straight motioned to approve the request, Commissioner Richardson seconds the motion. All in favor.

Commissioner Yann- Yes

Commissioner Richardson- Yes

Commissioner Jura- Yes

Commissioner- Straight- Yes

Commissioner/President Greene- Yes
Commissioner Lambert- Yes
Motion Passes.

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

Staff is proposing backyard chickens through City Code and not the BZA. Previously requests for chickens had to go before the Board of Adjustments, however that board no longer exists. Staff is proposing backyard chickens and beekeeping for single family homes. The proposal would make it outright permitted. In order to have chickens, people would be required to get a permit. Staff would then make sure that regulations are being met. We would also reduce setbacks for chickens to 5ft from all property lines. There would also be forms given to owners that would include safety guidelines for owning and caring for the animals. Staff also proposes we could make it a conditional use that neighbors could come in and speak in opposition too. As of now Beekeeping is completely unregulated and that needs changed for safety reasons. There is a liability with keeping bees and that is something that should be looked at as well.

Commissioner Yann states that he is not in favor of this request. He states that most of the people on his street would also agree with him. There was recently news of salmonella spreading because of back yard chickens. Are people asking about getting backyard chickens?

Planning Director Shae Strait states that as of now we have received at least a half a dozen request for backyard chickens. If we did conditionally permit them that would control the potential for nuisance and people requesting the chickens would have to go before the BZA.

Commissioner Yann would like to know how we will control the neighbors from all wanting chickens?

Planning Director Shae Strait states that the BZA has to right to say yes to once request and no to another. Also, the BZA has 5 different set s of criteria they must look as for any conditional use brought before them. They would look at the requests case by case and review complaints and police complaints. The BZA has the right to set conditions. Currently no property reaches the 150 ft rule. They can also place additional restrictions which aren't in place right now.

Commissioner Straight would like to know who will be overseeing this?

Planning Director Shae Strait states that will be Planning and Code who would be responsible for overseeing the chickens and bees.

Commissioner Straight states that Code Enforcement is already overworked and will not have time for this additional work.

Commissioner Jura states that he agrees with Commissioner Straight and knows of 2 chicken coops on his street right now and some of the chickens are free range.

Commissioner Straight states that the noise from the hens alone is a nuisance and there would also be the issue of the extra income provided by the chickens and how that would be reported. He currently does not see a problem with the way that things are done now, and suggests tabling this item until the next meeting.

President Greene asks for a motion regarding **PC 21-05**. Ron motions to table to item. Commissioner Yann seconds the motion.

Commissioner Yann- Yes

Commissioner Richardson- Yes

Commissioner Jura- Yes

Commissioner- Straight- Yes

Commissioner/President Greene- Yes

Commissioner Lambert- Yes

All in favor.

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

President Greene motions to open and close the public hearing as no one is here to speak for or against the agenda item.

Planning Director Shae Strait discusses the changes to the defining and separating of carwashes from all other types of automotive sales and service types. With that separation there will be specific use standards for them. For towing services and outdoor storage yards would need a type C buffer yard with vegetation. This would be done in case regulations would change in the future, although we don't foresee that now

President Green questions where this will go in the code book.

Planning Director Shae Strait states it will be place in the use standards.

Commissioner Yann would like to know if there is a time limit or restrictions for car washes and will this change make it easier for car washes to be built?

Planning Director Shae Strait states that this will not change how the car washed can be placed, it is just making the separation.

President Greene asks for a motion.

Commissioner Jura motions to approve the request. Commissioner Lambert seconds the motions. All in favor.

Commissioner Yann- Yes

Commissioner Richardson- Yes

Commissioner Jura- Yes

Commissioner- Straight- Yes

Commissioner/President Greene- Yes

Commissioner Lambert- Yes

All in favor.

4. **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.

President Greene motions to open and close the public hearing as no one is here to speak for or against the agenda item.

Planning Director Shae Strait discusses the **86** new definitions and amend **21** existing definitions within the code, we also created a subsection in the article called measurements and exceptions. These additions and clarifications allow us to be more transparent and clarify issues within the code book, also it makes it more user friendly for developers. We are also proposing to adjust the way subdivisions are regulated. As of now we go by the number of lots you have regardless of the side. Anything that is four or more is considered a major subdivision. We are proposing that we do it by both the number and the size 20,000 sq. feet. So, anything more than 20,000 sq. feet would be considered a major subdivision.

Commissioner Yann states that we are just trying to simplify the definitions and to make it more user friendly.

Planning Director Shae Strait states that yes that is correct, we are not creating or changing permitted uses just clarifying them.

President Greene asks for a motion. Commissioner Straight motions to approve, Commissioner Yann seconds the motion. All in favor.

Commissioner Yann- Yes

Commissioner Richardson- Yes

Commissioner Jura- Yes

Commissioner- Straight- Yes

Commissioner/President Greene- Yes

Commissioner Lambert- Yes

Motion passes

5. **PC 21-08:** Text Amendments Article 3 – Zoning Districts eliminating the Permitted Uses, Conditional Uses, Permitted with Conditions Uses, and Exclusions from every zoning district and placing all use restrictions and permissions into a single Permitted Use Chart at the beginning of the Article; reformatting and amending the Development Standards for all zoning districts, creating separate regulations based upon use type such as single-family, duplex, townhouses, multi-family dwellings, civic uses, and commercial uses; and creating a Supplemental Regulations section within applicable zoning districts

President Greene motions to open and close the public hearing as no one is here to speak for or against the agenda item.

Planning Director Shae Strait states that this change is just classifying existing districts into categories. Allow use in future with districts and creates a broader category. The permitted use chart is currently in the code book but is not official. We are proposing we use the new one, which is more user friendly. It will explain things more clearly to potential businesses. Also, there is a place where use standards are further explained and the chart itself is broken up into categories.

President Greene asks if there are any questions? There were none. He then asks for a motion regarding the request.

Commissioner Richardson makes a motion to approve the request, Commissioner Yann seconds the motion.

Commissioner Yann- Yes

Commissioner Richardson- Yes

Commissioner Jura- Yes

Commissioner- Straight- Yes

Commissioner/President Greene- Yes

Commissioner Lambert- Yes

Motion passes.

6. **PC 21-09:** Amending Article 7 – Subdivision Regulations, particularly section 7.5 – Design and Planning Standards to adjust various lot, access, and off-street parking requirements.

President Greene motions to open and close the public hearing as no one is here to speak for or against the agenda item.

Planning Director Shae Strait goes over the changes he has proposed for subdivision regulations, corner lots and cul de sacs. We have removed the minimum 6,000 sq. ft lot size for all new residential uses and based on the district and the minimum lot size required for that district. We are advocating that corner lots are 50 percent larger than other lots. For hillside subdivisions, we are proposing the additional burden that each property has to build off street parking beyond what is required for a single-family home. We are requiring a mandated 80 width for hill side subdivisions. We mandate that ROW are a min of 40 ft in hillside subdivisions.

Commissioner Yann asks if there will be any impact on homes on the gateway corridor? Planning Director Shae Strait states that no there will be not impact and that their vested interest will stay as is.

President Greene asks for a motion regarding the request. Commissioner Straight makes a motion to approve, with Commissioner Jura seconding the motion. Motion passes.

Commissioner Yann- Yes

Commissioner Richardson- Yes

Commissioner Jura- Yes

Commissioner- Straight- Yes

Commissioner/President Greene- Yes

Commissioner Lambert- Yes

7. **PC 21-10:** Amending Article 5 – Site Standards to adjust architectural requirements, lot standards, accessory buildings and structure regulations, and encroachments.

President Greene motions to open and close the public hearing as no one is here to speak for or against the agenda item.

Planning Director Shae Strait goes over the proposed changes for site standards. There are some key changes. We are changing that house size will be decided by district. The smallest house that you can build in this town is 20 ft by 20ft. We also added electric vehicle charging stations and allows the charging stations to be used at the end of parking space on in non-residential districts.

President Greene asks if there are any questions? There were none. He then asks for a motion regarding the request. Commissioner Richardson motions to approve. Commissioner Yann seconds the motions.

Commissioner Yann- Yes

Commissioner Richardson- Yes

Commissioner Jura- Yes

Commissioner- Straight- Yes

Commissioner/President Greene- Yes

Commissioner Lambert- Yes

Motion passes.

8. **PC 21-11:** Amending Article 4 – Use Standards section 4.25 to regulate Accessory Dwelling Units and to eliminate the additional regulations pertaining to multi-family residences, townhouses, and duplexes.

Planning Director Shae Strait goes over the changes to regulating dwelling units and eliminating additional regulations. Currently accessory dwelling units are banned. However, we do have way to create affordable housing in the comp plan. If we allow accessory dwelling units that would create affordable housing and help people stay close to home. We are advocating for the most restrictive type. Which would be separated structures that grant a level of independence for people on the same property. They would need to be comparable to the existing home and meet setbacks in place, also they are only allowed to be placed in the rear yard. The regulations for these are all placed in the code book. We are proposing to make this a permitted use for single family home, however if there is concern, they could be a conditionally permitted and they would have to go before the BZA.

Commissioner Yann asks what will happen when the single-family homes when they are empty or when people don't take care of it. Planning Director Shae Strait states that only single-family homes will be able to build.

Commissioner Richardson asks would additions still be allowed to be added if there was also had these accessory dwelling units there. Planning Director Shae Strait states that as long as is it not a duplex and it must be behind the home.

Commissioner Lambert wants to know how the addressing for these dwelling units?

Commissioner Strait would like to know how many people are actually interested in this?

Planning Director Strait states that there is moderate interest in this and it is currently not outright permitted.

Commissioner Yann states that while he thinks there is good reasoning for this there is also negatives to it as well.

Commissioner Lambert states that's currently the state does not mandate half numbers.

President Greene asks for a motion regarding the request. Commissioner Greene motions to approve the request. Commissioner Jura seconds the motion.

Commissioner Yann- No
Commissioner Richardson- Yes
Commissioner Jura- Yes
Commissioner- Straight- No
Commissioner/President Greene- Yes
Commissioner Lambert- Yes
Motion passes.

9. **PC 21-12:** Amending Article 4 – Use Standards adjusting the regulations for various uses listed within the article.

President Greene motions to open and close the public hearing as no one is here to speak for or against the agenda item.

Planning Director Shae Strait goes over the numerous amendments to the language standards and definitions that were added and eliminated. We are also regulating additional square footage and adding additional regulations for bars. All bars that will be opening will have to meet the transparency rule of 70 percent with the code book. There was also discussion of adding Wind farms which had previously not been listed. We are also eliminating the hour enforcements convenience stores because they are not regulated.

Commissioner Richardson wanted to know where the policy for wind farms came from?
Planning Director Shae Strait states that are came from the American Planning Association.

Commissioner Yann would like to know if where have a policy to deny theses if people would come in to town wanting to have one placed?

Planning Director Shae Strait states that they will only be allowed in the Technology District.

President Greene asks for a motion regarding the request. Commissioner Richardson motions to approve, and Commissioner Straight seconds the motion.

Commissioner Yann- Yes
Commissioner Richardson- Yes
Commissioner Jura- Yes
Commissioner- Straight- Yes
Commissioner/President Greene- Yes
Commissioner Lambert- Yes
Motion passes.

PUBLIC HEARINGS TO SET FOR July 7th

None

OTHER BUSINESS

There is no other business

ADJOURNMENT

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