

Proposed Minutes

ELKINS COMMON COUNCIL AND ELKINS PLANNING COMMISSION SPECIAL JOINT MEETING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
July 21, 2021
5:00 p.m.***

Elkins Common Council and the Elkins Planning met in a special joint session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilpersons N.E. Bross-Fregonara, R.C. Chenoweth, M.D. Cuonzo, C.H. Friddle, III, J.A. Guye, C.J. Higgins, G.M. Hinchman, and D.C. Parker; Elkins Planning Commission Vice President D. Talbott, Members, B. Woods, R. Woolwine; Executive Secretary R.A. Wickham (acting as recording secretary); Attorney G. Roberts; GIS Technician Ben Martin; and Inter-Mountain Reporter B. Johnson.

Councilpersons L.H. Vest and C.C. Lowther; and Planning Commission Members K. Somers and P. Kolsun were absent.

PUBLIC COMMENT

Jennifer Griggs, Third Ward resident, spoke to the council about the proposed zoning ordinance changes. Jennifer applauded the planning commission for taking on the task of creating a new zoning ordinance. Ms. Griggs expressed concerns related to the very specific definitions of dwellings in the new zoning codes, specifically that a single-family dwelling is exclusive to one family. Coming from another area she is used to shared/transitional housing among people who are not family, and per the new code it seems like the owner would have to apply for a variance in this situation. She suggested including more types of housing other than single-family and multi-family. Ms. Griggs also suggested adding specific verbiage regarding political signs to limit the number of days they can be displayed before and after an election. Ms. Griggs also expressed concern related to Group residential facilities, specifically developmentally disabled and behaviorally disabled persons. She questioned where these definitions came from and expressed that more groups may want to live in a group home who do not fall under those medical codes. Ms. Griggs also asked for more clarification on the definition of a habitable structure in the ordinance, and how zoning permits may affect homeowners. She questioned whether a homeowner would need to obtain a zoning permit along with a building permit to alter their current residence. Her final concern was related to the term “grandfathering” and the idea that grandfathering will go away at the sale of property, specifically for commercial uses. She believes that grandfathering should carry through the sale of commercial and residential property.

PRESENTATION

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Christy DeMuth, of the WVU Land Use and Sustainable Development Law Clinic, spoke to council about the proposed zoning update and the study and report on zoning that was conducted over the last 5 years. The new zoning ordinance was created to reflect the goals of the 2015 comprehensive plan; to encourage better aesthetic design and maintain residential integrity; to illustrate the city's commitment to planning that would attract both personal and commercial investment in the community; to protect residents from uncertainty by having well-defined zoning districts; to prepare the city for the future by responding to challenges or contemporary uses; and to provide quantitative and qualitative details which support code enforcements but also allow for flexibility with conditional parameters, among other reasons. As part of the Study and Report on Zoning, the Planning commission held 40 meetings open to the public, two open houses, and conducted an online survey to gather feedback from the community about what was important to them. Mrs. DeMuth provided a summary of the changes expected under this new ordinance including the regulation of signs, urban agriculture, the conversion of old schools and churches, and parking.. The new zoning ordinance would bring the zoning district count up from five to eight districts. The proposed zoning districts are single-family residential, city residential, recreational, central business district, commercial, educational, industrial, and agricultural. Mrs. DeMuth reviewed the definition of each district and finished her presentation with common zoning questions such as property taxes, home-based business, and development of existing property.

NEW BUSINESS

N. Bross-Fregonara advised that there are still two required public hearings before the zoning ordinance can be passed. City Attorney

G. Roberts explained "grandfathering" as it is defined within the ordinance and advised that all concerns related to "grandfathering" and the transfer of property are addressed in the proposal. G. Roberts spoke to council and urged them to submit any questions or concerns to the planning commission or the WVU LUSD Clinic.

M. Cuonzo and C. Higgins inquired about political signs and signs that display profane language. Christy DeMuth stated that these are protected by the Supreme Court under freedom of speech and cannot be regulated in the ordinance, except when they are displayed in a public right-of-way. G. Roberts assured the body that the adoption of this ordinance would not drastically change the city from the way it is now, it would just lay the framework for the city for the upcoming years.

M. Cuonzo questioned who would enforce the requirements regarding landscaping of commercial properties. G. Roberts stated that this would be addressed by Code Enforcement, and businesses that wanted to apply for a variance would have to go through the Board of Zoning Appeals. C. Higgins questioned Christy DeMuth on how the River Front Study would factor into the proposed ordinance. Mrs. DeMuth responded that they are working with City Clerk J. Sutton to make sure it aligns with the proposed ordinance.

N. Bross-Fregonara stated to council that the ordinance will always need to be amended and changed as the city and the country move forward, but there is an urgency to approve it to address things that are happening now which may not align with the future zoning ordinance.

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The Planning Commission pushed back the deadline for council to submit questions/concerns from July 26th to July 30th at the request of Cw. Cuonzo. The planning commission will meet again to address any concerns that are submitted and following that meeting will schedule two public hearings, one in the afternoon and one in the evening, per State Code.

Cw. Bross-Fregonara, **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 6:12 p.m.

*Approved by council at the meeting
of MONTH DAY, YEAR*

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk