

WINFIELD PLANNING COMMISSION

MINUTES

April 2, 2018

7:00 p.m.

Chairman William Davis called the meeting of the Winfield Planning Commission to order on April 2, 2018 at 7:00 p.m. at Winfield City Hall, 12448 Winfield Road, Winfield, WV.

Members Attending: Bill Davis, Pat Woodrum, Dana Campbell, Dale Vance and Diann Hodges

Members Absent: Sean Loyd

Staff Present: Randy Barrett, Mayor, Angie Hodges, Secretary; Jesse Parker, Planning Director and Tim Lafon, City Attorney

Staff Absent: Jackie Hunter, Recorder

Public Present: David Hobba, James & Chelsey Atkins, Pat Merton, Philip Harrison, Amber Duncan, John Hess, Chris Shearer and Branden Horne

Approval of Minutes: Diann Hodges made a motion to approve the minutes of the November 6, 2017 meeting. Motion carried.

Staff Action/Reports:

50 Residential Building permits and 1 Commercial Building Permit and 2 Permit Extensions were issued between November 1, 2017 through March 26, 2018.

NEW BUSINESS

1. Rezoning Application 2018-2019-1 Public hearing request by G. David Hobba requesting permission to rezone .269 acres from R1 Residential to C1 Commercial. Property is situated at the corner of Country Lane and Valley Street/Courthouse Drive.

Public Hearing Opened at 7:02pm

The applicant, David Hobba, presented that he intends to build to suit, a Commercial Professional Office Building, similar to Chase Park in Hurricane. He acquired the quarter acre lot from the successful bidder, who purchased it at an auction that was held a couple months ago.

James Atkins, who lives at 15 Mayberry Drive, which is situated across the street from the said lot, asked Mr. Hobba why he couldn't build a home instead of a commercial building. He also voiced concern that once the property is rezoned to C1, anything C1 commercial can be built there.

Mr. Hobba rebutted that the long term lease of a professional office building would provide him with income to fund a 401k plan for himself, as he has no retirement plan. As the owner, a lease would

provide him with a long term investment and he could restrict the occupancy so as not to take away from the value of neighborhood.

Philip Harrison, who owns lot 34 in Courtyard Estates, stated he has plans to build a new home in the near future. He asked about the other properties across the street and how can the city stop those owners from rezoning. If this rezoning is passed, a standard is set for those properties to follow, therefore, the neighborhood could end up with commercial property all along the other side of Country Lane.

Amber Duncan, who lives at 184 Mayberry Drive, asked how the city can restrict and/or regulate what type of businesses can be built on C1 zoned property.

Tim Lafon, City Attorney, commented that once property is rezoned C1, it is available for any uses that are listed in the C1 code. The city cannot restrict one use from another. The uses are listed in the city ordinances located on the city website. Also, once property is rezoned commercial it's nearly impossible to go back to residential because the property becomes unmarketable.

John Hess, who lives at 16 Mayberry Drive, stated his concern is with long term future businesses; not what Mr. Hobba has planned for now.

Chris Shearer, who lives at 63 Mayberry Drive, stated his worry is with kids playing in the neighborhood and safety concerns of commercial traffic. He also voiced that he has no issues with Mr. Hobba's plans, only future commercial businesses that Mr. Hobba would have no control over.

Pat Merton, who lives at 42 Mayberry Drive, asked if there are height restrictions on C1 commercial buildings.

Tim Lafon, City Attorney, answered that height of buildings falls into design, which is addressed when building permits are applied for. The rezoning of the property takes place first; has nothing to do with design.

Phil Harrison brought up the former Frank Gritt Law office, which situates on one of the four parcels that is part of the 2015 Amended Comprehensive Plan, and questioned the residential status of the property. It was explained by Mayor Randy Barrett and City Attorney Tim Lafon that after the property was vacant for one year, it reverted back to Residential. However, in 2017, the new owner requested rezoning from R1 Residential to C1 Commercial because it was being taxed as commercial, from the county assessor, but the city had it zoned as residential, therefore, they wanted to market it as commercial. The Planning Commission passed the rezoning.

Brandon Horne, who lives at 217 Mayberry Drive, stated he and his family are one of the newest homeowners in Courtyard Estates; they relocated from North Carolina. His family's attraction to the neighborhood was the family atmosphere and he's afraid a commercial building so close could kill that. He does not agree with the rezoning.

Angie Hodges, Planning Secretary, reported that the city had not received any phone calls or letters pertaining to this public hearing.

Jesse Parker, City Planning Director, reported that in May 2015, this planning commission amended the Comprehensive Plan to allow this property to be made available for commercial use. Therefore, staff recommends that the Planning Commission consider all public comment received in the public

hearing. Staff also recommends that the Planning Commission recommend approval of this application to the City Council for the rezoning of this parcel from R1 Residential to C1 Commercial.

Mr. Hobba concluded that this parcel could never have a restaurant built on it. If the rezoning is approved and he can find the right professional to occupy it, it would be long term and the professional would most likely be there longer than folks living in the homes in Courtyard Estates.

Member, Dale Vance, asked if a variance or conditional permit could be issued to allow the professional building that Mr. Hobba is seeking to build.

Tim Lafon, City Attorney explained that a special permit doesn't run with the land, it runs with the current owner with their plan for the property.

With no more public comments, Bill Davis closed the public hearing and asked for discussion from the Planning Commission members.

Public Hearing Closed at 7:27pm

Member, Dale Vance commented that he lives in the neighborhood and though he wouldn't want to see a store built, an office building would not bother him.

Member, Dana Campbell made a motion to reject the rezoning. He agrees with the 2015 Comprehensive Plan amendment to allow commercial use on the lots facing State Route 817. However, he agrees with the homeowners with not allowing businesses on this back parcel because it borders residential. Motion carried.

2. Planning Director, Jesse Parker, presented the 6th Annual Comprehensive Plan Report 2017/2018. Mr. Parker reviewed the goals that were completed and in progress. Building permits are up, Phase I of the City Park is complete and Phase II is waiting for funding, the new boat ramp construction is to begin soon with a pre bid meeting completed within the past week. Mr. Parker also handed out inserts for all comprehensive plan book holders.

GOOD OF THE ORDER

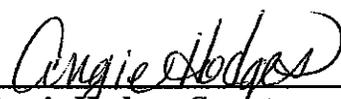
Mayor, Randy Barrett commented on the boat ramp, stating work is to begin in May with a 180 day turn around. The former grocery store property between Main Street and Ferry Street, has new owners and is being demolished to allow construction of commercial space on a lower level and townhomes on the upper level. The City's 150th Anniversary Celebration will be June 2, 2018 and will coordinate with the drag racers hall of fame cruise in. There will be a spring newsletter going out the end of April with lots of information.

ADJOURNMENT

Bill Davis made a motion to adjourn at 7:48 pm until the next meeting. Motion carried.



William Davis, Chairman



Angie Hodges, Secretary