

STATE OF WEST VIRGINIA, COUNTY OF UPSHUR, CITY OF BUCKHANNON, TO WIT:

A special meeting of the Buckhannon City Planning Commission was held in Council Chambers at City Hall, 70 East Main on Tuesday, June 1, 2021 at 7:00 pm with the following in attendance:

Susan Aloï	President (Chair)	Present
Richard Clemens	Vice-President (Vice-Chair)	Present - by GoToMeeting
Randy Sanders	City Recorder	Present
CJ Rylands	Member/Council Rep	Present
Vincent Smith	Member/Building Code Enforcement	Present
Curtis Wilkerson	Member	Present
Dean Everett	Member	Present
Mike Sharpolisky	Member	Absent
Kelley Tierney	Member	Present
Thomas O'Neill	City Attorney	Present
Beth Broschar	My Buckhannon	Present
Macie Queen	Record Delta	Present

Guests: Burton Abel; Misty Bennett; Bruce Blend; Ann Bergstrom; Joyce Ann Law; Sharon McNemar

To participate remotely in a City Commission or Board meeting, participants were invited to contact City Hall at 304-472-1651 for the GoToMeeting link/access.

***City of Buckhannon Planning Commission -
Meeting Agenda for Tuesday, June 1, 2021 at 7:00pm at City Hall in Council Chambers***

The Buckhannon City Planning Commission will hold a special meeting on Tuesday, June 1, 2021 at 7:00 pm in the City Council Chambers at City Hall, 70 East Main Street, Buckhannon WV 26201. The purpose of the meeting is to discuss the request for the consideration for the zoning change of 67 South Kanawha Street from R-2 General Residential District A to C-2 Highway Commercial District and possible recommendation to the City Council or to schedule the date of a Planning Commission public hearing, furthermore; such other matters will appear on the posted agenda.

This is an open meeting (per WV code § 6-9A-3) and all interested parties are welcome to attend.

A. Call to Order

- A.1 Moment of Silence
- A.2 Pledge to the Flag of the United States of America

B. Recognized Guests

C. Strategic Issues for Discussion and/or Vote

- C.1 Request for the Consideration for Zoning Change by Property Owners Burton & Elaine Abel on 67 South Kanawha Street from R-2 General Residential District A to C-2 Highway Commercial District
Possible Recommendation to City Council or Scheduling the date of Public Hearing
- C.2 Permitted Uses in the R-2 General Residential District A-Discussion regarding modification of kind of uses

D. Comments and Announcements

E. Adjournment

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A. Call to Order - The meeting was called to order by the Chair, President of the Planning Commission, Dr. Susan Aloï, ask for all to join in a Moment of Silence and then led all in the Pledge to the Flag of the United States of America

B. Recognized Guests – The Chair acknowledged those who were in attendance and assured all that wished to be heard on the matter of the Zoning Change consideration that they would be provided the opportunity at the appropriate time.

C. Strategic Issues for Discussion and/or Vote

C.1 Request for the Consideration for Zoning Change by Property Owners Burton & Elaine Abel on 67 South Kanawha Street from R-2 General Residential District A to C-2 Highway

Commercial District Possible Recommendation to City Council or Scheduling the date of Public Hearing - The Chair recognized City Attorney Tom O'Neill who provided an opening statement addressing the responsibilities of the City of Buckhannon and the Buckhannon Planning Commission once the City has received a petition to amend a zoning ordinance. It was established that in order for the Commission to find in favor of recommending to City Council the requested zoning change it must be shown that it is consistent with the 2025 Comprehensive Plan for the City of Buckhannon and that it does not constitute Spot Zoning. A Q & A with attendees and Commission members took place.

The Chair then recognized Burton Abel who explained his reasoning for the request for the consideration for zoning change from R-2 General Residential District A to C-2 Highway Commercial District. A discussion took place with Mr. Abel and members of the Commission.

Ann Bergstrom was recognized and expressed various reasons that she opposed the zoning change that would allow a bank, which is being proposed, to be built on the property if the zoning change is approved.

The Chair asked the Misty Bennett of BC Bank a few follow-up questions regarding the bank's desire to move to this particular property and Ms. Bennett explained that the current location (in North Ridge Plaza) does not provide them with the option for a drive through and an expansion of their current footprint.

Sharon McNemar was recognized and she also expressed various reasons that she opposed the zoning change.

Discussion was opened up to the Commission Members and attendees. Zoning Officer Smith explained the various businesses that could ultimately go into this area if the zoning is changed.

Joyce Ann Law was recognized and she also expressed various reasons that she opposed the zoning change.

Ann Bergstrom asked if it constitutes Spot Zoning, why we are even discussing it further. Zoning Officer Vincent Smith confirmed that it would be Spot Zoning as there are no contiguous properties around it being considered.

The Chair asked for City Attorney O'Neill to rejoin the meeting who explained that he had advised the interested parties early on that they would need other properties to join in the application to avoid it being Spot Zoning and the current application does not include additional properties.

Motion to recommend to the Buckhannon City Council to deny the Zoning Boundary/Provision Change Application by property owners Burton & Elaine Abel on 67 South Kanawha Street from R-2 General Residential District A to C-2 Highway Commercial District as it constitutes Spot Zoning, which is illegal, and that it does not align with the goals of the City of Buckhannon 2025 Comprehensive Plan was made by Clemens/Aloi. Motion carried.

C.2 Permitted Uses in the R-2 General Residential District A-Discussion regarding modification of kind of uses - President Aloi directed the Commission Members attention to Ordinance No. 316 of the City of Buckhannon, an ordinance amending Zoning Ordinance No. 244 of the City of Buckhannon, noting the permitted uses in the R-2 General Residential District A and opened up a discussion asking if we should consider amending the Ordinance at this time. City Attorney O'Neill also pointed out that the current ordinance has some archaic language that needs to be updated.

Discussion took place and it was determined that a sub-committee be appointed to review the current ordinance line by line and bring back recommendations for changes to the Commission at a future meeting. The sub-committee will be composed of Curtis Wilkerson and Rich Clemens.

D. Comments and Announcements - President Aloi noted that we have another public meeting scheduled for June 15, 2021 for possible uses of the Madison Street (former Chase Bank Street drive-thru). Commission Member Rylands provided an overview of some ideas that are currently being discussed.

E. Adjournment

Without objection, President Aloï adjourned the meeting at 8:30 PM.

Commission President Susan Aloï

City Recorder Randall H. Sanders
