

**City of Lewisburg**  
**Planning Commission Working Session**  
**Meeting Minutes ~ September 1, 2022, 5:30 p.m.**  
**942 Washington Street West, Lewisburg, WV**  
**Paul R. Cooley Council Chambers**

**PRESENT:** Chair John Little, Margaret Gossard, Dan Stevenson, Tia Bouman, Matthew Campbell, Helen Harless, Valerie Pritt, Planning and Zoning Officer Marsha Cunningham, Recorder Sarah Richardson

**ABSENT:** City Manager Misty Hill, Davis Lewis

**VISITORS:** Christy DeMuth of WVU Law and law student Emma Duncan (via ZOOM), Lewisburg Fire Chief Joseph “Joey” Thomas

**CALL TO ORDER:** The meeting was called to order at 5:31 p.m. by Chair John Little.

**PUBLIC COMMENT:** None

**Discussion of Permissible Use Table, Christy DeMuth, WVU Law**

Christy DeMuth opened in saying that she will be going through a list of questions regarding the Zoning Ordinance Draft Use Table for the board’s opinion as it nears completion for a final review.

The previous version of the Zoning Ordinance Draft Use Table lists two categories for Community Facility, one public and one private. DeMuth said that the public or private status of the facility does not change the use, and that her other communities have combined these two categories into one. This decision was met with agreement by the board.

The Dry Cleaning category used to be two sections, as well, one being Dry Cleaning and Laundry Pickup Station and another being Dry Cleaning and Laundry Plant. This is proposed to be updated to just Dry Cleaner as one category, since DeMuth said the first category was rare. Also, she asked where would the commission would like these facilities located. Tia Bouman said she was inclined to combine the two, but wanted to remove them from being allowed in CC. This leaves Dry Cleaner permitted in C1, C2, and I1. Chair John Little seconded these thoughts. With overall agreement these changes were made.

DeMuth said that it was proposed that the Emergency Services category be combined with Government Operations. Emergency Services was previously Conditional (C) in R1, OR, EI, and CC and Permitted (P) in C1, C2, and E1. Chair Little suggested that the categories be combined into Governmental Operations and be Conditional in R1 and R2, and Permitted everywhere else. Members were in agreement to allow these changes.

DeMuth said that there are two categories, Commercial Garage and Parking Lot, with the Parking Lot category being principal use stand-alone lots, and Commercial Garage offering rentable spaces. Similar categories include Parking Structure and Public Garage. Chair Little asked the differences between a “parking garage” and “parking structure,” with DeMuth saying they are essentially the same thing, and are very similar. Chair Little said it would make sense to combine Parking Structure and Parking Garage, with Parking Lot staying separate. Parking Lots are C in OR, E1, CC, C1, and C2. Little suggested adding P in I1, as well, which was met with agreement from the board.

DeMuth referenced the Garage, Commercial, and Garage, Public categories, to which Dan Stevenson said that with their principal uses being the same he doesn’t think that they need to be two separate categories. After discussion, Garage, Public was updated to Garage, Commercial, and will be P in E1, CC, C2, and OR, and C in CC and C1. However, Tia Bouman said that for the OR zoning, if she lived in OR, she personally would want it to be Conditional rather than Permitted. “I’d want a layer of conditional use on it,” she said. Valerie Pritt agreed, and noted that a certified mail notification is now required for Conditional Use permits, which would notify neighbors and give them a chance to voice any concerns. The board was in agreement to update OR to Conditional.

DeMuth addressed Gas Stations, which used to be separated by number of pumps. She recommended combining Gas Station and Gas Station, Large, into one category: Gas Station. The board agreed with this adjustment, and it will be C in CC, and P in C1, C2, and I1.

DeMuth said that the Halfway House category must be removed, as new state laws state that they cannot be separated out.

She said Home-Based Businesses used to be categorized by Low Impact and No Impact, but they have found this category is better combined into Home-Based Business, which is P in R1, R2, OR, EI, CC, and C1. They have to follow residential sign requirements and other parameters set by the board. She noted that the board had previously discussed updating an Accessory Use section updating the permitted square footage for the business in the home being 50 percent instead of the original 25 percent of the gross square footage of the home. It also lists a 12 visit per day limit, unless the business is a daycare. The board voiced support for combining the two categories into one, and stated they were in agreement with the proposed supplemental regulations.

DeMuth said that the Laundromat section was suggested to be combined into the Personal Service category (which includes hair salons, nail salons, etc). These are P in OR, CC, C1, and C2. The board

supported moving Laundromat into the Personal Services category and keeping it Permissible in the suggested zones.

DeMuth mentioned the Marina category, and after discussion the board was in agreement to remove this category.

The next category addressed in the addition of a Pawn Shop section to the table. The board suggested that this category be P in II.

It was suggested to consolidate Public Recreation and Municipal Recreation into one category: Public Recreation. The board said they would like this category to be “permitted across the board.”

Stormwater and Bioretention Facility categories were discussed, with DeMuth saying that another one of her communities wanted these categories added to be principal uses. After discussion, the board reached a consensus to remove these categories. Dan Stevenson clarified that this does not keep anyone from putting stormwater and other water mitigation structures on their property.

DeMuth said that the first draft of regulations is 84 pages long, and once she reviews several questions with the commission she will provide a copy for review by members. Her first question was regarding OC (open space conservation) districts, and she noted that currently OC areas don't have required setbacks for accessory structures. She asked if they would like to add setbacks or leave it as is. OC areas include Dorie Miller Park, Hollowell Park, Rosewood Cemetery, and the Lewisburg Elk's County Club and Golf Course. Margaret Gossard said she “felt like there should be something.” Chair Little said that he supports a five or 10-foot setback to allow for access around all sides of a building without any egress onto neighboring property. Marsha Cunningham said that setbacks for residential areas are 10 feet, so they could be consistent with this.

Recorder Sarah Richardson noted that setbacks may cause issues in the parks, as they are not very large and the addition of a 10-foot setback would cause accessory buildings to potentially be in the way of football fields, tracks, etc. Valerie Pritt noted that the parks are currently undergoing phased comprehensive plans, which includes a new footprint for Dorie Miller Park that isn't finalized.

Chair Little asked how non-contiguous property is treated, such as the new park proposed to go in next to the water plant on Stonehouse Road. Fire Chief Joey Thomas said that it would not be able to be

enforced by the Lewisburg Police Department, but it is city limits. DeMuth said that it would have to abide by the county zoning ordinances.

Chair Little references the plans for Dorie Miller, which haven't been released. Chief Thomas said that nothing is currently constructed on the property line at Dorie Miller. Chair Little clarified that the suggestion is to "leave it alone." Matthew Campbell said that if someone were to buy the golf course, for example, they would have to rezone it to fundamentally change its principal use from OC if they were wishing to develop the land further. Gossard reiterated that she feels there "should be something." Discussion of the size of a "maintenance corridor" was held, and it was ultimately decided to enact a 3-foot setback in OC on the sides and rear to allow for mowing and maintenance. DeMuth said that front setbacks are "strange" concerning accessory buildings, as most communities don't allow structures of that nature in front of homes and buildings. Currently, DeMuth said that accessory buildings in residential and commercial districts have to observe a five-foot setback from the rear boundary line, but it doesn't mention front setbacks. She said their addition of "common language" will address this, stating these buildings aren't allowed in the front "unless it's customarily located in the front yard," where the landowner would have to make the case that the building location is allowed.

DeMuth held her remaining questions to allow for time to discuss the next agenda item.

### **Discussion of Future Land Use Map**

DeMuth said she could review the map after the commission finishes their edits and changes. Chair Little asked Chief Thomas to speak to the location and zoning of the new firehouse off of Grand Avenue near Lowes and the Lewisburg Cinema 8. Chief Thomas said that the property located just south of the City's fire station plot is proposed to be zoned E1. This southern parcel is owned by Diane Barnett, and Chief Thomas voiced support for zoning her parcel commercially due to the surrounding zoning areas being commercial. However, Chief said that E1 would be "fine" for the fire station. There is another 3 acre lot for sale adjacent to the Baptist church, and he said he is not 100 percent sure if it's the property beside the church or behind the church. However, both behind and beside the church are proposed to stay zoned E1, but it's probably attractive to buyers to be used for commercial purposes. He said that E1 or C2 would both work for the fire station, but he expressed confusion as to why the property south of the fire station would be E1.

John Little said that the southern "handle" owned by Diane Barnett should probably stay C2 since it's "surrounded" by C2. Chief Thomas said C2 "would make more sense." Little called it a "no-brainer."

Little said the zoning map considers the future, however, for the land directly surrounding the Lewisburg Baptist Church, “I would not be one to automatically assume that we could change any of the church, or a piece of the church, to anything else. And the reason why is butts into R1.” Chief Thomas said that the realtor needs to straighten out the zoning of that 3-acre lot adjacent to the church before a buyer “snaps it up.” Cunningham said that the church is “trying to say it’s already subdivided, but I don’t remember it. I told him he had to go to the courthouse and check.” Chair Little said if it’s not subdivided, they would have to come before the Planning Commission to have it changed, “because I wouldn’t assume that we have the right to put something commercial between a church and a residential area.” He specified, “I wouldn’t change the church at all, I’d leave it like it is because it’s currently zoned that way.” He noted that if they come to Cunningham and prove that it’s already been subdivided the Planning Commission “obviously, we’d have to change it, but my personal opinion is that I’m not in favor of splitting or changing that zoning in any way because of what’s behind it.” Tia Bouman agreed. Chair Little said the plot south of the fire station should be C2, due to be surrounded by C2 and no residential. Cunningham pointed out that is a finite area of commercial space and is needed.

Chair Little said the northern fire station is zoned E1, and said that there will be one fire station zoned E1 and the other C2, so one would be “wrong.” Campbell asked what the ordinances for E1 are v. C2. Chief Thomas said C2 requires a 50-foot setback in the front, which they are already doing. However, they are supposed to have a 10-foot setback in the rear, but they might have to reduce that “just a little bit.” He said the piece of property is “tight” to fit everything in. He said the fire station is not affected by the zoning of the neighboring property, but he thought it would benefit the city being C2 instead of E1. He also asked about property being purchased around Circle Drive and commercial v. residential zoning since it’s “right on 219.” Cunningham said if rezoning was discussed they would have to approach the city, and spot zoning is not permitted.

Chair Little noted that the Scenic Overlay wasn’t marked entirely on the new proposed map. Tia Bouman asked if the Confederate Cemetery was rezoned, which is was, to CC.

**COMMENTS from the COMMISSION:** Chair Little noted that the next working session will be on October 6, 2022, if DeMuth is available. They will wait to wait sure she can attend.

**COMMENTS from the ZONING OFFICER:** Marsha Cunningham said that if anyone hears discussion of someone buying property, ask them to call the City to check zoning. “Ask first and buy later,” she said.

**ADJOURNMENT:** The meeting was adjourned at 7:32 p.m. with a motion by Valerie Pritt and a second from Dan Stevenson.

Respectfully submitted,  
Sarah Richardson  
Recording Officer