

City of Lewisburg
Planning Commission Working Session
Meeting Minutes — September 2, 2021, 5:30 p.m.
942 Washington Street West, Lewisburg, WV
Paul L. Cooley Council Chambers

PRESENT: Chairperson John Little; Planning and Zoning Officer Marsha Cunningham; Commission members Tia Bouman, Margaret Gossard, Helen Hughes (via ZOOM), Davis Lewis (via ZOOM), Valerie Pritt, Dan Stevenson; Mayor Beverly White; City Manager Misty Hill; Recorder Tina Alvey

ABSENT: None

VISITORS: Christy DeMuth of WVU Law (via ZOOM), Skip Deegans, Shae West (via ZOOM)

CALL TO ORDER: The meeting was called to order by Chairperson John Little at 5:30 p.m.

APPROVAL OF MINUTES: Valerie Pritt offered corrections to the minutes of the August 5, 2021, meeting, to wit: noting that Commission member Davis Lewis was in attendance and had made the motion to adjourn that meeting, and deleting from the minutes the name of City Council member Frank Johnson, who did not attend the meeting. John Little offered corrections to the minutes of the August 5, 2021, meeting, to wit: Commissioners decided there would be no limit on how many times in a year that city properties zoned R1 and R2 could display temporary signs, while properties zoned open space conservation would be limited to two temporary signs per year. Upon motion of Margaret Gossard, seconded by Dan Stevenson, the minutes of the August 5, 2021, meeting, including all of the above corrections, were presented for a vote. The minutes, as amended, were approved unanimously.

PUBLIC COMMENT: None

Review and Discuss: Sign Regulations

Christy DeMuth advised commission members that no further discussion is required concerning sign regulations. She said those regulations will be included in the draft ordinance.

Discuss: Scenic Overlay

DeMuth said that adding a Scenic Overlay to city zoning regulations has long been discussed, with some reviews occurring as long as three years ago. Recent talks have focused on properties bordering U.S. Route 219 and U.S. Route 60 in commercial and downtown districts. The primary goal of such a scenic overlay would be to regulate design of buildings, although some uses could also be prohibited because of their impact on viewsheds, DeMuth said. As an example of the latter, she said the C1 zone currently allows operation of car washes; that type of use could be prohibited in the scenic overlay area, if the city so desires. DeMuth noted that the WVU Law Clinic doesn't write design guidelines, but the city can come up with its own.

Little said he doesn't want to limit uses in the scenic overlay; rather he said zoning that is already in place should suffice for that purpose. He said he sees the scenic overlay as more of a "beautification plan" that would ensure the city's entrance corridors are free of trash and eyesores.

Discuss: Wireless Telecommunications Facilities

DeMuth noted that such facilities are 99 percent regulated by the federal government. While a municipality cannot ban them, officials can adopt regulations that can minimize the visual impact. Those regulations can set parameters for height, setbacks, screening and landscaping, she said. In addition, the city may require a newly-proposed cell tower to co-locate with an existing facility where possible and may also include in the regulations a prohibition against impairing views in the Historic District. Those supplemental regulations may also designate the zones in which towers are permitted, so long as "it's not too limiting." DeMuth suggested also adding language to the city's comprehensive plan explaining why towers need to be limited to certain districts.

So-called "small cells" are the "new thing" for 5g telecommunications, DeMuth said. They consist of a box attached to a telephone pole, but can be large and quite unattractive. To address that issue, DeMuth said regulations can be promulgated to regulate permissible aesthetics. The West Virginia Legislature has limited the ability of towns to regulate those small cells, however, DeMuth cautioned. The city cannot prohibit small cells except in exclusively residential district, she said, and in Lewisburg no district is strictly residential. Allowable regulations include imposing an application process, fees and design guidelines such as prohibiting blockage of rights-of-way, restricting placement to alleyways where feasible and requiring the boxes to be camouflaged.

Discuss: Permissible Use Table and Map

Upon DeMuth's recommendation, this discussion was tabled until the Planning Commission's next working session. In order to accommodate schedules, that session will be at 5:30 p.m. on October 14, 2021.

Discuss: Airbnb regulations

Marsha Cunningham said that she has been receiving frequent inquiries about pertinent regulations from people interested in purchasing houses in the city to rent out as airbnbs.

Misty Hill said she had reached out to the West Virginia Municipal League for guidance and was told that other cities in the state have tried to regulate airbnbs but "ran into roadblocks." The Municipal League advised Hill to seek feedback from neighboring property owners. Little

suggested establishing “quiet hours” in residential neighborhoods to address potential issues with airbnb renters coming and going at all hours. Hill responded that Lewisburg already has a noise ordinance and other laws to regulate parties, meaning police can investigate complaints.

Pritt broached the issue of this type of development driving up Lewisburg’s housing costs, citing other cities’ problems with similar situations. Mayor Beverly White said there is the potential for the city to run out of rental units for local people to live in if every available property is bought up to use as airbnbs.

Both Pritt and Hill said they would continue researching the issue.

ADJOURNMENT: The meeting adjourned at 6:50 p.m.

Respectfully submitted,
Tina Alvey
Recording Officer