

**City of Lewisburg
Planning Commission
Meeting Minutes ~ September 3, 2020
942 Washington Street West, Lewisburg, WV
Via Zoom Teleconference**

PRESENT: Commission Chair Mark Etten; Commission members Tia Bouman, Ghee Gossard, Helen Harless, Misty Hill, Davis Lewis, John Little, Valerie Pruitt, Dan Stevenson; Planning & Zoning Officer Marsha Cunningham, Mayor Beverly White, Recording Officer Peggy Mackenzie

VISITORS: David Bostic, Kristen McClung, Curtis Persinger, Phil Reed, Adam Whanger

CALL TO ORDER: The meeting was called to order at 7 p.m. by Commission Chair Mark Etten. No comments from the public were offered.

APPROVAL OF MINUTES: The minutes of *August 6, 2020* were approved as presented in a motion by Commission member John Little and seconded by Commission member Dan Stevenson. With all in favor, the motion carried.

Appointment of Vice Chair

Lewisburg City Manager Misty Hill, who serves as the commission's Administrative member, was nominated to Vice Chair of the commission. A motion to close the nominations after Hill was named was made by Commission member Dan Stevenson and seconded by Commission member Ghee Gossard. A second motion confirming Hill as Vice Chair was made by Commission member Stevenson and seconded by Commission member Tia Bouman. With all in favor, both motions carried.

Public Hearing: DNA Holdings, LLC, Minor Subdivision request

P&Z Officer Marsha Cunningham stated two parcels, both zoned I-one (Light Industrial), purchased by DNA Holdings, LLC from previous owner Reynolds Properties, with a plan to split off 2.15 acres from the smaller parcel and add it to the larger parcel, to total nearly 50 acres. Both parcels, which border Brush Road, still conform to I-one zoning after the split. All neighboring property owners have submitted their receipt returns with no objections, and the mayor has indicated no issue with the property split.

A Public Hearing was called at 7:09 p.m., and hearing no response, Etten closed the Public Hearing at 7:09 p.m. A motion to approve the application as presented was made by Commission member Little and seconded by Commission member Stevenson. With all in favor, the motion carried.

Public Hearing: DNA Holdings, LLC, Request for rezoning parcels 10-6-3 and 10-10-38

Cunningham stated the Western area with frontage to US 219 is zoned C-1 (Neighborhood Commercial), the middle area with frontage on Brush Road would be zoned R-2 (Multi-Family Residential), and the Eastern area would be zoned R-1 (Town-Residential). All neighboring property owners have submitted their receipt returns with no objections, and a subdivision notice has been posted near the entrance to the property. Terradon consultant Kristen McClung corrected Cunningham, stating she still had to deliver receipt packets to some property owners and will confirm with Cunningham when completed. DNA Holdings co-owner David Bostic provided background information, stating the project was two years in the making, would be a great opportunity to help with congestion, be a benefit for everyone and have a positive impact on the City's footprint.

Etten said a question was raised during the Sept. 2 PLC workshop session concerning whether it is proper to approve a zone change without first asking what the comprehensive plan called for in this sector of the City. West Virginia law consultant Christy deMuth stated via a previous phone conference the request could be approved because R-1 and R-2 zoning designations are less intrusive than the I-one (Industrial) zoning. deMuth said she did not recommend split lot zoning. Instead, she recommended DNA Holdings negotiate with City administration for a subdivision to match the zoning, but without the involvement of the PLC. Stevenson asked if the applicant was interested in negotiations that would also include a PUD (Planned Unit Development). Hill said the City's current PUD ordinance, now under development, could be inserted with parameters for commercial and residential development, mixed zoning and density levels. She said a minor subdivision was also an option.

Gossard remarked on the "due diligence" of the applicants efforts to present this project. "How can we help them out?" she asked. Etten said they could start tomorrow, with PLC having established the requirements to move forward, but with the City administration and not the Planning Commission. Hill concurred, stating that "we are a friendly city willing to help developers," although, she added, the Covid-19 situation may put a damper on the timeframe. The City will work with the applicant, moving forward, complying with regulations.

McClung questioned whether there was "language" for mixed use redevelopment that could be approved. Etten said DNA Holdings is asking for multi-zoning, referred as split lot zoning. The PLC has provided two options to avoid split lot zoning, either as a minor subdivision to match the zoning regulation, or with a PUD, which the PLC is actively working on, because the city's zoning law currently doesn't allow. The objective, he said, is to not hold up the application. McClung can act in parallel, Etten said, to be prepared for what a PUD can offer in more

development options than the original plan had. A Public Hearing was called at 7:39 p.m., and hearing no response, Etten closed the Public Hearing at 7:39 p.m.

Etten said the combined recommendation from deMuth and WVU lawyer Jesse Richardson was to take action by tabling the applicant's request and direct the City administration to withdraw the application in order to further explore opportunities to develop this property. A motion to that effect was made by Commission member Stevenson and seconded by commission member Hill. McClung asked for draft materials to be made available in order to merge the two options into one in time for the next PLC meeting in the first week of October.

"We cannot stop the flow of progress," Etten said. "If the applicant is willing to wait a bit and abide by the administration, they could get more options and more open doors with this project." The commission members were enthusiastic and agreed, as were McClung and the property owners. "We like the flexibility of the PUD versus having three different rezoned properties that can only do A, B, or C." With a motion on the floor to table the application, the Commission voted in favor, 9-0, and the motion carried.

ADJOURNMENT: The meeting was adjourned at 8 p.m. in a motion by Commission member Gossard and seconded by Commission member Stevenson.

Respectfully submitted,
Peggy Mackenzie,
Recording Officer