



# City of Elkins

## Planning Commission Meeting

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December 11, 2025

4:00 PM

RCDA - W. Va. Wood Technology Center  
10 Eleventh Street  
Elkins, WV 26241

### AGENDA

1. **Call to Order and Roll Call**
2. **Public Comment**
3. **Minutes**
  - a. Proposed minutes for the meeting of November 13, 2025
4. **Reports**
5. **New Business**
  - a. Review of draft Future Land Use and Redevelopment Areas maps
  - b. Proposed policy, process, and forms (including fees) for applications to amend the city's Zoning Map and Code
6. **Announcements**
7. **Adjournment**



## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	December 11, 2025
<b>Section:</b>	Minutes
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Proposed minutes for the meeting of November 13, 2025
<b>Recommended By:</b>	City Clerk
<b>Summary:</b>	Minutes proposed for the referenced meeting
<b>Fiscal Impact:</b>	n/a
<b>Recommendation:</b>	Consider for approval
<b>Attachments:</b>	1. planning commission - 2025_11_13 - minutes_proposed

# **PLANNING COMMISSION MEETING MINUTES**

*West Virginia Wood Technology Center/RCDA  
10 Eleventh Street  
November 13, 2025  
4 p.m.*

Present were Commissioners A. Carroll (Chair), E. Armstrong, D. Smith, K. Somers, and S. Evick.

Commissioners P. Kolsun and J. Marco (Mayor) were absent.

Also present: S. Stokes (City Clerk and Recording Secretary) and Christy DeMuth (WVU Land Use and Sustainable Development Law Clinic).

## **MINUTES**

By unanimous consent, the minutes for the meeting of September 11, 2025 were withdrawn for correction and presentation at a later meeting.

## **NEW BUSINESS**

DeMuth facilitated discussion of the draft Comprehensive Plan and the Future Land Use and Redevelopment Areas maps.

The meeting adjourned at 5:15 p.m.

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Name & Title

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Signature

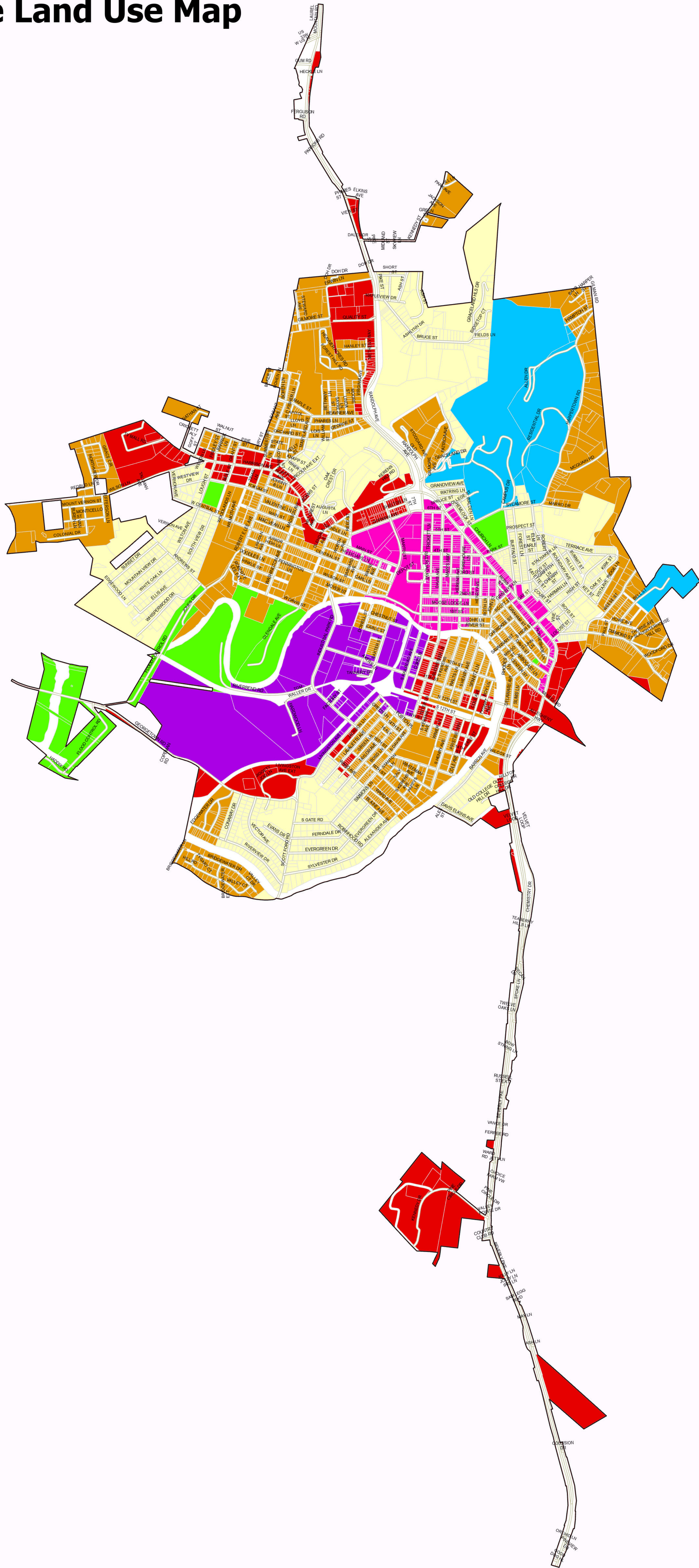


## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	December 11, 2025
<b>Section:</b>	New Business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Review of draft Future Land Use and Redevelopment Areas maps
<b>Recommended By:</b>	WVU Land Use and Sustainable Development Law Clinic
<b>Summary:</b>	<p>Attached is the draft future land use map with the following changes (updated after the 11/13 meeting):</p> <ul style="list-style-type: none"> <li>• Changing name of Institutional to Educational</li> <li>• Industrial park expansion is now industrial</li> <li>• Commercial on Heavner Avenue</li> <li>• Residential on Grandview/Watring Ln/Spruce St</li> <li>• Lavalette Avenue- Commercial (Mary's Greenhouse)</li> <li>• 12<sup>th</sup> street-changed back to residential (old FLU map has some of this area as commercial)</li> </ul> <p>The updated development areas map is also attached.</p> <p>Please review for any additional needed changes.</p>
<b>Fiscal Impact:</b>	n/a
<b>Recommendation:</b>	Review and discuss
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. FLUMap - 2025_11_21</li> <li>2. NovDevAreas - 2025_12_14</li> </ol>

# City of Elkins Draft Future Land Use Map

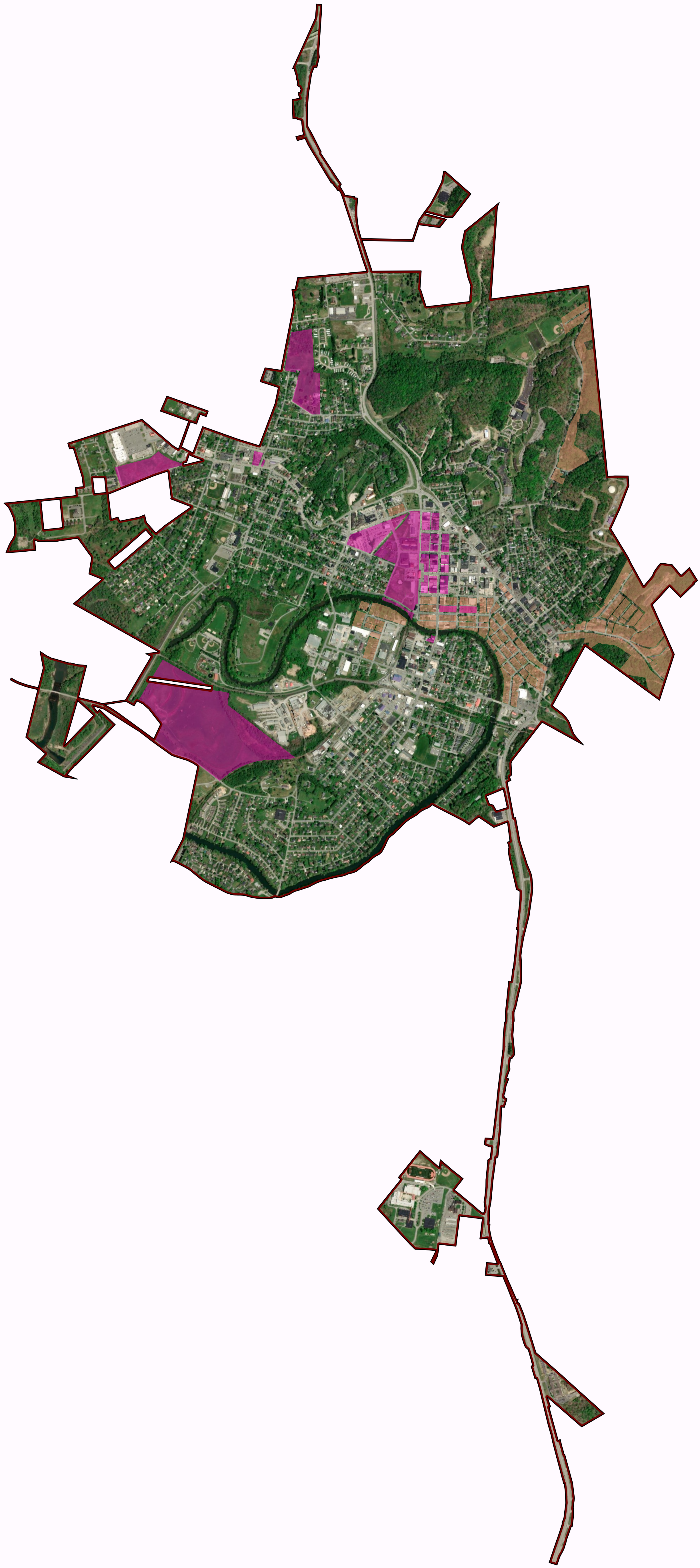
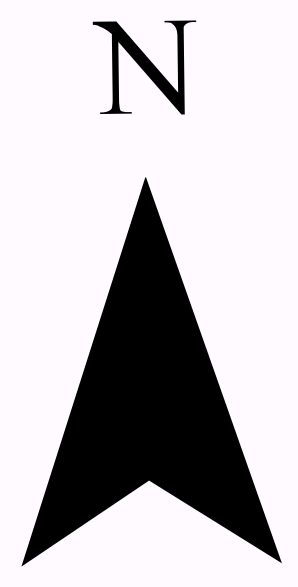
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**Legend**

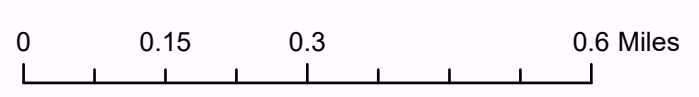
- Elkins Boundary
- Roads
- Future Land Use**
- Single Family Residential
- City Residential
- Central Business District
- Commercial
- Educational
- Recreational
- Industrial

# Draft Development Areas



**Legend**

-  City of Elkins
-  Redevelopment Area
-  Preferred Development Area





## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	December 11, 2025
<b>Section:</b>	New Business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Proposed policy, process, and forms (including fees) for applications to amend the city's Zoning Map and Code
<b>Recommended By:</b>	
<b>Summary:</b>	<p>The Planning Commission is asked to review and provide general feedback on a <i>working draft</i> of a public-facing <b>Policy and Procedures document for Zoning Map Amendments and Zoning Text Amendments</b>, along with the previously distributed application forms.</p> <p>The draft policy addresses:</p> <ul style="list-style-type: none"> <li>• A position statement on spot zoning</li> <li>• Proposed filing fee language and recovery of publication/processing costs</li> <li>• A workflow from applicant submission through Council action</li> <li>• References to applicable notice requirements under <i>W. Va. Code Chapter 8A</i></li> </ul> <p>The purpose of this discussion is not line-by-line editing, but to assess the overall approach, clarity, completeness, and policy direction.</p> <p>In prior discussions, some commissioners expressed concern that additional procedures or fees could create unnecessary barriers to private property improvements or business development. The draft is intended to balance that concern with the need to recover real administrative costs associated with zoning amendments and to discourage speculative or incomplete applications that consume staff and commission time.</p>



## CITY OF ELKINS AGENDA ITEM REPORT

	<p>The Commission’s feedback is requested on:</p> <ul style="list-style-type: none"> <li>• Whether the overall approach is appropriate</li> <li>• Whether any important topics are missing</li> <li>• Whether the presentation is clear and understandable</li> <li>• General views on the proposed filing fee (currently drafted at \$100) and whether a higher amount would be more appropriate in light of actual costs and peer municipalities</li> </ul>
<b>Fiscal Impact:</b>	TBD
<b>Recommendation:</b>	This item is for discussion and guidance only; no formal action is required at this time.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. zoning change process policy - 2025_12_04</li> <li>2. COE PC_zoning text amendment - 2025_07_18</li> <li>3. COE PC_zoning map amendment - 2025_07_18</li> </ol>

# City of Elkins, West Virginia

## Policy and Procedures for Zoning Amendment Requests

(Zoning Map Amendments and Zoning Text Amendments)

Adopted by the Elkins Planning Commission: \_\_\_\_\_

### 1. Purpose and Intent

The zoning regulations of the City of Elkins exist to promote the health, safety, and general welfare of the community by managing land uses, protecting property values, and supporting orderly growth. Under West Virginia Code §8A-7 and §8A-8, changes to zoning regulations must follow a structured public process, including review by the Planning Commission and action by Common Council.

This policy establishes application fees and cost-recovery procedures, required information for zoning amendment petitions, submission and workflow procedures, and statutory process requirements, including notice and hearing timelines.

Requests may be initiated by the City or by private applicants (including property owners, developers, or residents). When initiated by a private party, a filing fee is required.

### 2. Position Regarding “Spot Zoning”

The City of Elkins affirms the long-standing planning principle that “spot zoning,” meaning rezoning of a single parcel or a small group of parcels that is out of harmony with surrounding zoning districts and not supported by the Comprehensive Plan, is generally inconsistent with the purpose of zoning.

Applicants should be aware that:

- Zoning amendments must be compatible with the City’s adopted land use policies.
- Planning Commission must make findings of consistency with the Comprehensive Plan pursuant to W. Va. Code §8A-7-8.
- Isolated rezoning that confers a private benefit absent a public purpose is unlikely to be recommended for approval.

This policy does not prohibit small-area rezonings, but applicants must supply justification demonstrating public benefit, plan consistency, and compatibility with adjacent land uses.

### 3. Fees and Cost Responsibility

A non-refundable application fee of **\$100.00** shall accompany each zoning amendment application, whether for a zoning map amendment or a zoning text amendment.

Under West Virginia Code §8A-7-8 and §8A-7-9, zoning amendments require legal advertisements in a newspaper of general circulation and, in the case of map amendments, posting of notice on the subject property. Applicants will be billed separately for actual publication and posting expenses. Payment of publication and posting costs is required before a public hearing will be scheduled.

## **4. Submission and Workflow**

Step 1: Obtain application forms from the Office of the City Clerk or the City website.

Step 2: Submit a completed application to the City Clerk including: original signed and notarized application, one copy of all supporting materials, required attachments, and the application fee. Incomplete applications will not be docketed for Planning Commission review.

Step 3: The City Clerk and/or Planning Commission staff will review the application for administrative completeness, confirm that required documents are submitted, and verify payment of fees or billing arrangements.

Step 4: The Planning Commission will schedule a public hearing. The City will publish legal notice of the hearing as required by W. Va. Code §8A-7-8 and, in the case of a map amendment, will post signage on or near the subject property.

Step 5: The Planning Commission will hold at least one public hearing. The Commission will evaluate whether the request is consistent with the Comprehensive Plan, promotes the public health and welfare, represents sound planning practice, and does not constitute prohibited spot zoning.

Step 6: Under W. Va. Code §8A-7-8(e), the Planning Commission will provide a written recommendation to Common Council approving, approving with modifications, or denying the application.

Step 7: Common Council will consider the recommendation at a regular public meeting. Council may hold an additional public hearing pursuant to W. Va. Code §8A-7-9. Adoption of a zoning amendment requires passage of an ordinance.

## **5. Statutory Timeline Guidance (W. Va. Code Chapter 8A)**

Applicants should be aware of the following minimum time requirements:

- Class I legal advertisement must be published at least 15 days prior to a Planning Commission hearing (W. Va. Code §8A-7-8)
- If Common Council conducts its own public hearing, a Class I notice must also be published at least 15 days prior (W. Va. Code §8A-7-9)

Total process time may range from 45 to 120 days depending on meeting schedules, publication timing, completeness of application materials, and whether revisions are requested during the process.

## **6. Assistance and Contact Information**

Office of the City Clerk  
401 Davis Avenue, Elkins, WV 26241  
304-636-1414 (Main)  
[suttonstokes@cityofelkinswv.gov](mailto:suttonstokes@cityofelkinswv.gov)

Staff may provide guidance regarding application completeness, meeting schedules, and statutory process but cannot provide legal advice or guarantee approval of any amendment.



**APPLICATION FOR ZONING TEXT AMENDMENT**

Elkins Planning Commission

Version adopted [redacted]

Name of Applicant: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Phone No: \_\_\_\_\_ Applicant Email: \_\_\_\_\_

**Application Fee: \$100.** *(You will be billed separately for the cost of legal advertisement and notification posters, if applicable. All fees and costs are non-refundable.)*

**Commented [SS1]:** Martinsburg charges \$500

Please carefully read and answer all questions on this application completely. Attach additional pages if necessary. Submit original and one copy of the completed application along with a copy of the deed and plat (if applicable) to the Office of the City Clerk.

1) Section of Zoning Code to be Amended:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) Summary of Proposed Text Amendment (an additional sheet may be attached):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) Intention of Proposed Text Amendment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please note that, in order to recommend that City Council approve a zoning amendment, the Planning Commission must make the following findings regarding the zoning amendment change sought.

- Whether such change is consistent with the intent and purpose of this Ordinance;
- Whether such change is consistent with the Elkins Comprehensive Plan;
- The areas which are most likely to be directly affected by such change and in what way they will be affected; and
- Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other socio-economic conditions in the areas and Zoning Districts affected.

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**Attestation:**

**Applicant**, give your name, complete mailing address and phone number. If application is on behalf of an organization or business, etc., provide representative authorization documents. Attached hereto and made a part of this application is submitted all papers and legal documents as requested. I hereby depose and say that all the above information and the accompanying statements and drawings are correct and true to the best of my knowledge: I understand that certain zoning changes may require legal advertisement and/or notification posters. I will be notified separately of and must pay the cost of the said legal advertisement and/or notification posters before my application can be considered.

Print name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**STATE OF WEST VIRGINIA,  
COUNTY OF RANDOLPH, to-wit:**

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby CERTIFY that \_\_\_\_\_, whose name is signed to the foregoing and hereto annexed writing, bearing date of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, for, \_\_\_\_\_ as its \_\_\_\_\_, has this day ACKNOWLEDGED the same before me in my said County to be the act and deed of said corporation.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



## APPLICATION FOR ZONING MAP AMENDMENT

Elkins Planning Commission

Version adopted [REDACTED]

Name of Applicant: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Phone No: \_\_\_\_\_ Applicant Email: \_\_\_\_\_

**Application Fee: \$100.** *(You will be billed separately for the cost of legal advertisement and notification posters, if applicable. All fees and costs are non-refundable.)*

**Commented [SS1]:** Martinsburg charges \$400

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Zoning amendment petitions shall provide the following information:

- a. A legal description of the property;
  - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
  - c. The name, address and phone number of the petitioner(s);
  - d. The interest of the petitioner(s) in the property, and if the petitioner(s) is (are) not the Owner(s) of all the real property in the area to which the petition relates, the name and address of the other Owner(s);
  - e. Description of the present Use(s) of the property.
  - f. Description of the proposed Use(s) of the property.
  - g. Proposed text amendment pursuant to Elkins Code § 152.024, if applicable (attach Elkins Planning Commission *Application for Zoning Text Amendment* form);
  - h. Area of the property in square feet and/or acres;
  - i. Time schedule for development (if applicable);
  - j. Additional exhibits as may be required by staff such as a plot plan or site plan showing existing and proposed Structures, easements, watercourses, curb cuts and description of the Uses of Adjacent Property that are necessary to describe existing or proposed conditions; and
  - k. Signature(s) of petitioner(s) certifying the accuracy of the required information.
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**Attestation:**

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Given under my hand this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public