



City of Elkins

Planning Commission Meeting

May 9, 2024
3:30 PM
401 Davis Avenue
Council Chamber, 2nd Floor

AGENDA

1. **Call to order and roll call**
2. **Public comment**
3. **Minutes**
 - a. Proposed minutes for the meeting of April 11, 2024
4. **Presentation**
5. **Reports**
6. **Unfinished business**
7. **New business**
 - a. Height of accessory buildings
 - b. Request to add the use "clinic" to the Industrial District
 - c. Comprehensive plan update
8. **Announcements**
9. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 9, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of April 11, 2024
Recommended By:	City Clerk
Summary:	Minutes proposed for the meeting of April 11
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. Planning Commission - 2024_04_11 - minutes_proposed

PLANNING COMMISSION REGULAR MEETING MINUTES

***401 Davis Avenue
April 11, 2024
4:30 p.m.***

Present were Commissioners P. Kolsun (chair), A. Carroll, V. Jackson, B. Woods, and J. Marco.

Commissioners K. Somers and D. Talbott were absent.

Also present was S. Stokes (city clerk and recording secretary) and C. DeMuth (WVU LUSD Law Clinic, via teleconference).

MINUTES

Woods **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 8, 2024. The motion carried.**

NEW BUSINESS

DeMuth facilitated discussion of the following topics related to the comprehensive plan update. No action was taken.

- Status of stakeholder surveys
- Online survey results
- Vision, statement, and goals section
- Public participation options

Carroll **MOVED RECOMMENDING COUNCIL ADOPTION OF AMENDMENTS TO THE ZONING ORDINANCE ADDING THE FOLLOWING DEFINITIONS, WITH ASSIGNMENT TO ZONING DISTRICTS AS NOTED. The motion carried.**

- “Conference center” means a building or part of a building designed to host conventions, trade shows, exhibits, assemblies, meetings, and similar events, and may include large and small halls and meeting rooms. Services associated with meetings and events, such as catering, meal service, bar service, and related accessory uses and services shall also be permitted. (To be allowed by right in the Central Business District and Commercial District.)
- “Coworking space” means a room or rooms which may contain desks or other workspaces and facilities and is used by entrepreneurs, small teams, and/or employees of

multiple companies to work on their own projects. Rules for membership and participation in the coworking space are explicit, transparent and are available to the public. Coworking spaces may host classes or networking events which are open either to the public or to current and prospective members. Fabrication tools are limited to those which do not generate noise or pollutants in excess of what is customary within a typical office environment. (To be allowed by right in the Central Business District and Commercial District.)

- “Museum” means a building or part of a building that displays, preserves, and/or exhibits objects of community and cultural interest in one or more of the arts and sciences, intended to be used by members of the public for viewing, with or without an admission charge. (To be allowed by right in the Central Business District, the Commercial District, and the Educational District, and conditionally in City Residential.)

The meeting adjourned at 5:25 p.m.

Name & Title

Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 9, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Height of accessory buildings
Recommended By:	City Clerk
Summary:	A property owner in an R-1 District (Wees District) proposes to build a 20-foot-tall accessory building (garage with a loft/living space on the second story), but the current Zoning Ordinance limits such structures to 18 feet. It also prevents a second residence on the same property, although there would be no prohibition against a living space that could be used for guests, etc. See attached memo for more information.
Fiscal Impact:	n/a
Recommendation:	In response to this request, the commission could: • Decline to recommend a change. • Recommend that council institute a different height limit. • Recommend that council institute a limit based on the height of the main building (e.g., the WVU LUSD language or similar). In this case, would you want to impose this same requirement universally, given the much higher principal building heights in all zones but R-1? • The commission may also want to consider explicitly allowing garage apartments, as in Fayetteville.
Attachments:	1. memo - planning commission - accessory building height - 2024_05_07

Memo

To: Planning Commission

From: Sutton Stokes, City Clerk

Date: May 7, 2024

Re: Accessory building height

A property owner in an R-1 District (Wees District) proposes to build a 20-foot-tall accessory building (garage with a loft/living space on the second story). However, the current Zoning Ordinance limits accessory building height to 18 feet. (See relevant code section below.)

Because this matter cannot be resolved through a variance, this property owner hopes that the commission will consider amending this section on the basis that it limits options for living spaces on the second stories of garages.

This memo presents WVU LUSD's recommendation, practices observed in other cities, relevant definitions, and possible actions for the commission to consider.

§ 152.196 ACCESSORY BUILDINGS, USES, AND STRUCTURES.

(A) All accessory buildings, uses, and structures shall require a permit. Accessory buildings, accessory uses, and accessory structures shall be permitted in all districts, provided each is customarily incidental and subordinate to a principal use. There must be a principal structure on the lot, or an adjacent lot under the same ownership, prior to the issuance of a permit for an accessory building or structure. Accessory buildings, uses, and structures shall not be permitted in front yards.

(B) No use that is to be carried on in an accessory building or structure shall be in violation of the permitted uses in that district.

(C) All permanent accessory buildings, uses, and structures shall be setback from all lot lines three feet.

(D) Accessory structures, except agricultural buildings and those located in the Industrial District, shall not exceed 18 feet in height.

(E) In no situation shall an accessory building or structure be larger than the principal structure.

(F) Except as provided elsewhere in this code, no accessory building or structure shall be constructed and used as a dwelling. Provided, however, that one residential unit for a caretaker may be permitted in conjunction with any active industrial establishment.

WVU LUSD Recommendation

WVU LUSD advises that it usually recommends a proportional/formula-based approach such as the following.

“Accessory buildings and structures shall be no more than seventy-five (75) percent of the height of the principal structure’s height, and in no circumstance higher than the applicable zoning district’s maximum height requirement.”

For reference, your Zoning Ordinance imposes the following maximum building heights in the given districts:

- R-1 (single family): 40 feet
- R-2 (city residential): 80 feet
- CBD (central business): 72 feet
- B-1 (commercial): 130 feet
- E (educational): 100 feet
- I-1 (industrial): 100 feet

Practices in Other Cities

Cursory online research finds that some other cities set specific limits. It is possible to find limits ranging from 15 to 20 feet.

Searching municipal codes on American Legal Publishing, it appears that several West Virginia cities impose a limit of 15 feet. Others appear to impose no specific limit, although setback/footprint requirements may end up serving a similar purpose. Only Fayetteville seems to have adopted the precise language recommended by WVU LUSD (per an admittedly non-exhaustive Google search).

Here is another approach, from Rockville, Maryland:

Accessory buildings and structures greater than twelve (12) feet high. Accessory buildings and structures that exceed twelve (12) feet in height must be set back from all lot lines an additional three (3) feet for each additional foot (or any portion thereof) of building height up to fifteen (15) feet. Accessory buildings may exceed fifteen (15) feet in height, up to a maximum of twenty (20) feet, with no additional setback required. In no event can the height exceed the height to the peak of the main house.

Fayetteville also has the following stipulation (compare to Elkins City Code § 152.196 (F), above):

(f) No accessory structure shall be constructed and used as a dwelling, **except garage apartments** and one residential unit for a caretaker may be permitted in conjunction with any active industrial establishment or in conjunction with a place of worship or religious institution.

Relevant Definitions

The Zoning Ordinance’s definitions related to accessory uses and buildings are as follows:

ACCESSORY STRUCTURE or ACCESSORY BUILDING. A structure or building on the same lot with or on an adjacent lot to, and of a nature customarily incidental and

subordinate to, the principal use or structure, including but not limited to swimming pools, piers and other water related structures, parking, fences, gazebos, satellite dishes, doghouses and dog-related structures, noncommercial greenhouses, sheds, and private garages.

ACCESSORY USE. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, including private garages, noncommercial greenhouses, urban agriculture, and drive-through facilities.

There is also such a thing as an Accessory Dwelling (conditional in R-1 and by right in R-2):

DWELLING, ACCESSORY and CONVERSION DWELLING. A portion of a single-family dwelling converted into two separate dwelling units within the principal structure or new or existing accessory structures.

Possible actions:

In response to this request, the commission could:

- Decline to recommend a change.
- Recommend that council institute a different specific height limit.
- Recommend that council institute a limit based on the height of the main building (e.g., the WVU LUSD language or similar). In this case, would you want to impose this same requirement universally, given the much higher principal building heights in all zones but R-1?
- The commission may also want to consider explicitly allowing garage apartments, as in Fayetteville.

##



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 9, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Request to add the use "clinic" to the Industrial District
Recommended By:	City Clerk
Summary:	The owner of a physical therapy practice
Fiscal Impact:	n/a
Recommendation:	In response to this request, the commission could take the following actions: • Decline to recommend a change • Recommend adding Clinic to the Industrial District by right • Recommend adding Clinic to the Industrial District conditionally
Attachments:	1. Memo - planning commission - clinic in indust dist - 2024_05_07 2. West request - Ind Park

Memo

To: Planning Commission

From: Sutton Stokes, City Clerk

Date: May 7, 2024

Re: Proposal to add Clinic to uses permitted in Industrial District

The owner of a physical therapy clinic located in Elkins wishes to move to the former Reliable Roofing location. This location is in an Industrial District, where the use Clinic (the closest applicable use) is not permitted, either by right or conditionally.

The Industrial District currently allows the following uses by right. Although clinics may not commonly be thought of as “industrial” uses, it is hard to see how certain of the below uses are obviously better suited to such a district (see highlighting).

Animal hospital/veterinary office

Automobile car wash

Automobile repair/service

Bakery

Bank/financial institution

Boat and marine sales/service

Brewery pub

Broadcasting studio
(radio/television)

Building material facility

Bus/transit facilities

Bus/transit shelter

Butcher shop

Convenience store

Distillery

Distribution facility

Dock

Dog day care

Dry cleaner

Equipment rental/repair

Essential utilities and equipment

Event, mass gathering

Farm/construction equipment and
supply sales

Farmer's market

Garden center

Gas station

Gas station, large

Governmental operations

Greenhouse, commercial

Greenhouse, noncommercial

Group residential facility

Group residential home
 Home-based business (no impact)
 Industrial park
 Laboratory
 Manufacturing (light)
 Medical cannabis dispensary
 Medical cannabis growing facility
 Medical cannabis processing facility
 Parcel delivery facility
 Parking lot
 Places of worship/religious institution
 Photographic studio
 Reception facility
 Recreation, indoor
 Recreation, municipal
 Recreation, outdoor
 Recycling facility
 Research and development

Restaurant
 Retail store/shop <7,000 square feet
 Retail store/shop 7,000 to 25,000 square feet
 School, commercial
 Self-storage facility
 Solar energy facility, large
 Solar energy facility, small
 Solid waste disposal area/facility, private
 Solid waste disposal area/facility, public
 Tavern/drinking establishment
 Warehouse
 Wholesale establishment
 Winery
 Wireless telecommunications facility
 Wireless telecommunications facility, small cells

Possible Actions

In response to this request, the commission could take the following actions:

- Decline to recommend a change
- Recommend adding Clinic to the Industrial District by right
- Recommend adding Clinic to the Industrial District conditionally

##



SEVENPERFORMANCE

Physical Assessment & Fitness

Re: Addendum to zoning ordinance's Industrial District

City of Elkins Planning Commission,

Our names are Kyle West and Sydney Metheny West and we are the owners of Seven Performance. We are writing to request our desire to move our current business location from 108 3rd street to 900 Industrial Road. In order for us to stay compliant with the City of Elkins, we are asking for an addendum to the current zoning ordinance's Industrial District.

The ability to move into the Industrial District would allow for further continued growth of our company with additional square footage and parking. With the recent growth of downtown, it is becoming increasingly difficult for all patrons to find parking for their downtown needs. If Seven were to be able to move, this would assist in allowing for additional parking for those current and future downtown businesses/patrons.

Seven is hoping to acquire 900 Industrial Road within the Industrial District and perform a full renovation, this keeps with the further development of downtown to which in turn will help assist other property owners, property values, and Seven's contribution to business and occupation tax. Seven's move would also put us in good company of current "clinic" Industrial district business, Greenbrier Audiology, Inc.

Over the last 10 years Seven Performance has found its home in the City of Elkins and desires to stay within its city limits. We are hoping that with an addendum to the current zoning ordinance of the Industrial District we would be able to modify the zoning "Use Table" to allow for the "Clinic" category to be permitted "By Right" within the Industrial District.

Thank you for your consideration

Dr. Kyle West

Sydney Metheny West

*Letters of support can be obtained by request

Phone: 304-621-7747

Fax: 304-637-4588

Address: 108 3rd Street, Suite 8 Elkins, WV 26241

Email: Info@7performance.com



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 9, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Comprehensive plan update
Recommended By:	City Clerk
Summary:	One pending task is updating the plan's vision statement. Here are notes after this was discussed in December. <u>2015 Vision Statement</u> <i>Elkins will continue to lead in the arts, education, and healthcare, while actively cultivating opportunities in tourism, recreation, and economic development.</i> <u>Draft Vision Statement</u> <i>Quality of life is cultivated with opportunities in technology, recreation, and economic development and supported by community investment in arts, education, and healthcare.</i>
Fiscal Impact:	n/a
Recommendation:	Discuss and update the vision statement
Attachments:	None