

# Morgantown Planning Commission



## REGULAR MEETING PACKET

Thursday, February 13, 2020

6:30 p.m.

City Council Chambers

### Planning Commissioners:

Peter DeMasters, 6<sup>th</sup> Ward  
President

Carol Pyles, 7<sup>th</sup> Ward  
Vice-President

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Michael Shuman, 5<sup>th</sup> Ward

AJ Hammond, Admin.

Ronald Dulaney, City Councilor

### Development Services Department

Christopher M. Fletcher, AICP, Director

John Whitmore, AICP, Senior Planner

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## Planning Commission Pre-Meeting Announcement

Good evening and welcome to the regular/special meeting of the City of Morgantown Planning Commission. Please turn off all cell phones or other devices that may disrupt these proceedings. The Planning Commission conducts business in the following order:

- (1) There will be a general public comment portion when anyone who wishes to address the Planning Commission may do so, but only on matters that are not on the agenda. There will be a five (5) minute time limit for speakers. All recognized speakers must approach the podium, state their name and address for the record, and speak clearly into the microphone. Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting their opportunity to participate in the general public comment portion.
- (2) We review, amend, and approve minutes of the previous meeting.
- (3) We consider any Unfinished Business from previous meetings.
- (4) We move on to New Business items. First, we introduce the item and the Planning Division representative presents the Staff Report.
- (5) Next, we ask the petitioner to make a presentation. Planning Commissioners may ask the petitioner questions at that time.
- (6) I will then open a Public Hearing to hear testimony in support of, or in opposition to, the request. Rules regarding public testimony are as follows:
  - (a) Anyone wishing to testify during the public hearing may do so once recognized. Each recognized speaker must approach the podium, state their name and address for the record, and speak clearly into the microphone.
  - (b) All comments must be addressed to the Commission. Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting their opportunity to participate in the public hearing.
  - (c) All speakers will be limited to five (5) minutes. If members of the Commission have any questions of the speaker, that time will not be counted toward the speaker's five (5) minutes.



- (d) If there is a large number of speakers, including many who are part of groups or organizations, I may, to avoid repetitive comments, elect to ask for a representative to speak on behalf of the group or organization.
  - (e) I may elect to recognize the applicant/agent at the end of the public hearing to provide rebuttal or additional comments, which will be limited to five (5) minutes. If members of the Commission have any questions of the applicant/agent, that time will not be counted toward the applicant's/agent's five (5) minutes.
- (7) After all testimony is heard, I will declare the Public Hearing closed and no further public comment will be permitted. At that time, no one in the audience may speak again unless a Planning Commissioner asks a question. If someone is asked a question, they must come to the microphone and identify themselves once again before answering.
- (8) Next, the Planning Commission will discuss and take action on the application.
- (9) Once the vote is final, members of the audience who were present for that particular case may leave, if they wish. In order not to disrupt the meeting, people who choose to leave must go to the bottom of the stairs before carrying on a quiet discussion.
- (10) Uncivil, unruly, and/or disruptive behavior at any time during this meeting is prohibited and will result in removal from this public meeting.

Thank you for your consideration and respect for these proceedings and the opinions of all meeting participants.





# MORGANTOWN PLANNING COMMISSION

February 13, 2020  
6:30 p.m.  
Council Chambers

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Carol Pyles, 7<sup>th</sup> Ward

**Planning Commissioners:**

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Michael Shuman, 5<sup>th</sup> Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

## **AGENDA**

**I. CALL TO ORDER AND ROLL CALL**

**II. GENERAL PUBLIC COMMENTS – concerning matters not on the agenda**

**III. MATTERS OF BUSINESS**

**A.** Approval of the December 12, 2019 meeting minutes.

**B.** Approval of January 9, 2020 meeting minutes.

**C.** 2019 Annual Report to City Council.

**IV. UNFINISHED BUSINESS: None.**

**V. NEW BUSINESS:**

**A. MNS20-01 / Adkins / 453 Civitan Street:** Request by Chaille Adkins for minor subdivision approval of property located at 453 Civitan Street. Seventh Ward Tax District, Tax Map 2, Parcel 100; R-1, Single-Family Residential District.

**B. MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road:** Request by Michael Callen for minor subdivision approval of property located at 3423 and 3427 Collins Ferry Road. Seventh Ward Tax District, Tax Map 53, Parcels 125 and 126; R-1, Single-Family Residential District.

**VII. OTHER BUSINESS**

**A.** Committee Reports

- Traffic Commission
- Other Committees

**B.** Staff Comments

**VIII. FOR THE GOOD OF THE COMMISSION**

**IX. ADJOURNMENT**

*If you need an accommodation, please contact 304-284-7431 or TDD 304-284-7512*

**Development Services**

Christopher Fletcher, AICP  
Director

**Planning Division**

John Whitmore, AICP  
Senior Planner

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

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# MORGANTOWN PLANNING COMMISSION

## MINUTES

6:30 p.m.

December 12, 2019

Council Chambers

**COMMISSIONERS PRESENT:** Peter DeMasters, Sam Loretta, Tim Stranko, William Blosser, Bill Petros, Michael Shuman and AJ Hammond

**COMMISSIONERS ABSENT:** Carol Pyles, Ronald Dulaney

**STAFF PRESENT:** Christopher M. Fletcher, AICP

I. **CALL TO ORDER/ROLL CALL:** DeMasters called the meeting to order at 6:30 p.m. and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. **GENERAL PUBLIC COMMENTS:** None.

III. **MATTERS OF BUSINESS:**

A. Approval of the Tuesday, October 08, 2019 meeting minutes. Motion to accept as presented by Stranko; seconded by Shuman. Motion passed unanimously with Hammond abstaining due to his absence.

B. Approval of the Wednesday, October 30, 2019 meeting minutes. Motion to accept as presented by Stranko; seconded by Shuman. Motion passed unanimously with Petros and Hammond abstaining due to their absence.

IV. **UNFINISHED BUSINESS:** None.

V. **NEW BUSINESS:**

A. **MNS19-17 / Dunham / 644 Madison Avenue:** Request by Paul Dunham for minor subdivision approval of property located at 644 Madison Avenue. First Ward Tax District, Tax Map 40, Parcel 274; R-1A, Single-Family Residential District.

Fletcher presented the Staff Report and noted staff was representing the applicant.

There being no comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff's recommendation, which was read by Fletcher.

Staff recommends approval of the subdivision with the following conditions:

Stranko moved to approve MNS19-17 as requested with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

- B. RZ19-05 / Colonial Office Associates / 3208 University Avenue:** Request by Michael Callen on behalf of Colonial Office Associates for a Zoning Map Amendment to reclassify 3280 University Avenue from R-1, Single-Family Residential District to B-2, Service Business District. Seventh Ward Tax District, Tax Map 7, Parcel 267.

Fletcher presented the Staff Report and noted the petitioner's representative was present.

DeMasters recognized Vince Kolanko, who is representing the property owners. Kolanko shared observations of other professional office buildings in the Suncrest area that have been sitting empty for several years. The owners are looking for more walk-in type businesses. As an example, Rising Creek Bakery is locating a small bakery and coffee shop at the site. This is the type of businesses the property owners are interested in attracting to the site. Three out of four of the property's owners live within a quarter mile of the site and they want to offer businesses that residents can walk to. The rezoning would be an economic boost for tax purposes for the city.

Stranko noted that what Kolanko described is a B-1 neighborhood district and he is inclined to favor that alternative. Have you looked at the B-1 constraints and feel that would be adequate? Kolanko stated that would be adequate, but they would prefer the B-2 classification as several businesses are listed as conditional uses in the B-1 District. Stranko clarified that conditional uses allow the neighbors to be informed and participate in determining whether a conditional use is appropriate for a particular site. Kolanko mentioned a small wellness center, yoga and massage are listed as conditional uses in the B-1 District and the owners feel those would be appropriate businesses for the site. Stranko noted conditional uses are reviewed by the Board of Zoning Appeals. Stranko noted that the Planning Commission must review zoning map amendments in the abstract, not as who owns the property now or what their development intentions are but look at the parcel and its future impact on the surrounding area.

Petros asked if the building was currently fully occupied. Kolanko noted it was not and have lost a few tenants. Kolanko noted that office space continues to be vacant and continues to be constructed. It is getting tougher to get office uses into this building. Empty buildings, like the Wedgewood buildings, is not good for taxes and this is what is happening now. Mon Health systems owns the Wedgewood buildings now and they cannot sell or occupy them right now.

Loretta asked the Fletcher for clarification on the prohibition of parking between the front of the building and the street in both the B-1 and B-2 Districts. They way this building is set up, parking is located in the front. Fletcher noted existing parking would be considered a pre-existing nonconforming condition that could continue until abandoned. Abandonment would occur if the building sat empty and those parking spaces were not used for a period of 12 months or more. At that point, the property most likely need to be redeveloped. Or, if the use of the parking spaces were abandoned, the tenant looking to move into the building would have to seek variance relief to use those parking spaces.

There being no further comments or questions by the Planning Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of this petition. There being know, DeMasters asked if anyone was present to speak in opposition of this petition.

DeMasters recognized Dan Powell. Powell stated he and his live at 3272 University Avenue. Thank you for the privilege to speak to the group. Page 35 shows my home, directly adjacent

to the property in reference. I would like to speak against the proposed zoning changes. The subject property is surrounded by R-1 and B-2 would be detrimental. Potential lack of privacy, noise and odors. We have no distrust of the owners but agree with Mr. Stranko that future owners could use this in other ways.

DeMasters asked if they had looked at the list of land uses permitted in the B-1 District. Powell stated that the B-1 permitted land use list is much more palatable. We agree with the Staff Report that the property works as a buffer, and we are thankful for the property as it presently exists. We would likely not speak against B-2 zoning.

There being no further public comments, DeMasters closed the public hearing and asked for staff's recommendation, which was read by Fletcher.

Loretta asked if the zoning for property is reclassified to B-1 or B-2, what happens with the grandfathered parking in the front of the building. Fletcher noted nonconforming conditions run with the land and is not related to the ownership of the property.

Petros asked if the Planning Commission could discuss PRO verse B-1. Petros is concerned with the diversity of uses permitted in the B-1 District. Petros understands the City cannot control what happens in the county, referring to the adjacent gas station mini mart use, and that recent redevelopment along the corridor outside the city is not a valid argument for the Planning Commission to consider. DeMasters agreed that would not be a valid argument to support the Planning Commission's recommendation to reclassify the property. Petros sees this site as a high-profile piece of land on University Avenue and a much better place than Wedgewood for a professional office building, which is probably consistent with its occupation over time.

Stranko noted that was an excellent question and asked Fletcher for confirmation that there are far more permitted uses in the B-1 District than the PRO District. Fletcher confirmed and noted the PRO District is less about the small-scaled retail offerings and more office related uses. Fletcher noted that a PRO District classification would be a better representation of what the property has been for so long but would not provide additional flexibility to diversify the commercial offerings there. Fletcher noted the development standards are significantly different from PRO to B-1 or PRO to B-2.

Stranko asked the Planning Commission to consider the B-1 option as a means of making the property more marketable for tenants because he would like to see the building filled and active. Secondly, all these B-1 options are walkable business that are growing in other neighborhoods.

DeMasters reminded the Commission that zoning map amendments include highest and best use considerations. Is the highest and best use for this property B-1, B-2, or PRO. Fletcher confirmed and noted that if the Planning Commission was leading toward exploring the PRO option, staff did not consider that and are not prepared to provide a complete comparative analysis to have an informed discussion of that option. Fletcher suggested that if the Planning Commission would like to explore the PRO designation, it table that matter to allow staff to prepare materials for the Planning Commission's January meeting. The development standards in PRO are very different than B-1. The permitted land use table is good information, but review and consideration of the PRO development standards is important to review.

Stranko asked Fletcher to confirm that the B-1 classification gives the owners more flexibility to market and occupy that property. Fletcher confirmed. Fletcher noted again that he would

characterize a PRO designation as representing what the site has been and the applicant is seeking a zoning reclassification because PRO permitted uses are no longer attracted to the building given current vacancies there are experiencing.

Stranko noted that all the medical office buildings that were located all over town are being consolidated by the large hospital corporations. Stranko is concerned that a PRO designation will put them in no better position than they are now to get that property marketed and occupied. DeMasters said he agreed.

Petros noted there are also dentist offices that have opened up two blocks away. Petros noted is concern is do we want this to look like Star City or do we want it to look like what Morgantown has on the other side of the corridor because its all houses going up that hill.

Stranko noted that he wants a zoning designation that adequately protects the R-1 adjoining properties and also activates this property to be convenient and useful neighborhood amenity. Stranko noted that he this this will be accomplished with a B-1 zoning designation.

DeMasters noted that small neighborhood business enjoyed in his neighborhood has gotten people out and about supporting the businesses and this area could use something like this. DeMasters sees this potential opportunity with a B-1 zoning classification but not as a PRO District classification. It adds something to the neighborhood.

Petros is concerned with the hours of operation permitted in the B-1 District and sitting next to an R-1 District and concerns with evening noise, etc.

DeMasters agreed but provided an example of a business in his neighborhood. The old Bailey's grocery store. Madeline Marie's is now in there and it's a restaurant. Its busy and you can't get a table in the small space. It attracts people in the neighborhood. It's a nice thing to go to.

Stranko noted Petros makes an excellent point and that there is a risk, but he thinks the benefit and possible upside outweighs the risk.

Fletcher noted the purpose of the B-1 District is clearly to be in the neighborhood and scaled accordingly. Fletcher read the purpose statement of the B-1 District provided in the Planning and Zoning Code. The B-1 zoning district is by design intended to be located in the middle of or at the edge of a single-family residential district. Fletcher also noted several of the nonresidential uses permitted in the B-1 District require conditional use approval, which includes an extra layer of public participation.

Stranko moved to forward a recommendation to City Council to refuse the application to change the zoning designation of B-2 for the subject property and recommend the zoning map be changed from R-1, Single-Family Residential District to B-1, Neighborhood Business District. Motion seconded by Blosser. The motion carried unanimously.

## **VI. OTHER BUSINESS**

### **A. Committee Reports**

- Traffic Commission Report: No report.
- Other Committees: No reports.

- Staff Comments:

Fletcher noted there will be a meeting in January. The only item on the agenda requiring advance public notification is modifying the overlay district boundary as was recently completed for the zoning district boundaries. Fletcher noted there may be a minor subdivision petition that could be included on the January agenda. Fletcher reminded the Planning Commission that the election of its leadership for 2020 will also be on the agenda.

Question regarding the MPO Pedestrian and Bike plan. Staff will discuss, reach out to the traffic commission and find out if there is a workshop.

- Planning and Zoning Code will be making some changes with the sidewalk requirements. This will more than likely be on the January or February meeting.

**VII. FOR THE GOOD OF THE COMMISSION**

Stranko asked about the MPO's recent Pedestrian and Bicycle Plan and how the Planning Commission can help advance implementation, even amending the Comprehensive Plan if needed. Stranko asked if the City was involved in the project. Fletcher noted the City Engineer's Office is very involved serving on several project committees.

Fletcher noted the City Attorney is working on several code revisions to advance sidewalk development, some of which will come to the Planning Commission for consideration, most likely in February.

**VIII. ADJOURNMENT: 7:24 PM**

MINUTES APPROVED:

COMMISSION SECRETARY:

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Christopher M. Fletcher, AICP

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# MORGANTOWN PLANNING COMMISSION

## MINUTES

6:30 p.m.

January 9, 2020

Council Chambers

**COMMISSIONERS PRESENT:** Peter DeMasters, Sam Loretta, Tim Stranko, William Blosser, Michael Shuman, Ron Dulaney, and AJ Hammond

**COMMISSIONERS ABSENT:** Bill Petros, Carol Pyles

**STAFF PRESENT:** Christopher M. Fletcher, AICP

- I. **CALL TO ORDER/ROLL CALL:** DeMasters called the meeting to order at 6:30 p.m. and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.
- II. **ELECTION OF LEADERSHIP:** Stranko nominated the Peter DeMaster as President and Carol Pyles as Vice-President for another term; seconded by Dulaney. There being no other nominations, the nominations were closed. The motion carried unanimously.
- III. **GENERAL PUBLIC COMMENTS:** None.
- IV. **MATTERS OF BUSINESS:**  
Approval of the December 12, 2019 meeting minutes were postponed.
- V. **UNFINISHED BUSINESS:** None.
- VI. **NEW BUSINESS:**
  - A. **RZ20-01 / Administrative / Overlay Zoning Districts:** Administratively requested realignment of Overlay Zoning Districts on the “Official Zoning Map” to reflect Monongalia County Assessor’s digitized tax parcel mapping and to remedy cartographic errors in the current overlay district boundaries

Fletcher presented the Staff Report.

Stranko asked Fletcher to take a minute to remind the Planning Commission of the purpose and importance of overlay districts and why our citizens may be interested in these designations.

Fletcher explained that overlay districts are a tool that is used to either make the development standards and/or the land uses slightly different than the base zoning district underneath of it. Additional development standards can be included, which is very much the case in the Sunnyside overlay districts from architectural standards, the types of permitted land uses, development performance standards, etc. They also can be used to provide greater flexibility. For instance, in Sunnyside the base zoning districts require a larger front setback, or larger rear setback. If

higher density is desired, which is there, then those setbacks are decreased so development can be pursued at a more intense pattern. Sometimes the question arises about changing the base zoning district, a lot of the areas where we use overlay districts it is usually covering multiple base zoning districts. We want to continue to observe these base zoning districts, to regulate and manage, but just add either incentives or greater restrictions to achieve what the comprehensive plan is desiring for those particular areas.

Dulaney asked how the revised boundary was decided for the Sunnyside Central Overlay District. Fletcher replied that at the intersection of Beverly Avenue and 6<sup>th</sup> Street, there is one building down there, possibly a duplex. Looking at the existing overlay district, it is not clear whether the intention was to include that property or not. The properties to the north of that wrap around 6<sup>th</sup> Street extension, the overlay district did not include any structures north of the one previously mentioned. What we did, was just pulled the boundary south to include properties that face Beverly on both sides of the street. From a physical standpoint, it makes sense to include the way it was done to emulate what was around it.

Dulaney suggested that landowners impacted by this boundary adjustment should be notified. Fletcher noted the Planning Commission can decide to include these parcels in the Sunnyside Central Overlay District as a part of its recommendation to City Council.

DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff's recommendation, which was read by Fletcher.

Demaster's asked for a motion to submit a recommendation to amend the overlay district boundaries to City Council with the modification to include the parcels noted by Dulaney in the Sunnyside Central Overlay District. Stranko made a motion and seconded by Dulaney. Motion carried unanimously.

- B. TX20-01 / Administrative / Sidewalk Requirements:** Administratively requested zoning text amendments to remove sidewalk development standards from the Morgantown Planning and Zoning Code and placing related standards in Article 913 "Sidewalks" of Morgantown City Code. Planning and Zoning Code Sections included are 1333.07(E), 1335.07(E), 1337.07(E), 1339.07(E), 1341.07(I), 1343.07(G), 1345.07(F), 1347.07(F), 1353.07(E), and 1361.03(L).

Fletcher presented the Staff Report.

DeMaster's wanted to clarify that what the Planning Commission is being asked to do is recommend to City Council that all sidewalk related development requirements and standards be removed from the Planning and Zoning Code and placed in another section of City Code, Article 913, which is outside the scope of the Planning Commission. Whatever City Council decides to do with the sidewalks would be out of the Planning Commission's hands. That being said, when the Planning Commission reviews site plans, how will the provision of sidewalks be addressed. Fletcher stated the development of sidewalk could be addressed through conditions included in site plan approvals. The rules and regulations that will development under Article 913 for sidewalks will require the developer to address these facility as a part of the site plans presented to the Planning Commission.

Fletcher clarified that under the Planning and Zoning code, the City only requires sidewalks to be constructed when there is a new development, construction, or significant redevelopment. This has proven to be a reactive means of developing sidewalks. Earl Core Road is a perfect example. We have a lot of new sidewalks along this corridor, but you walk on a new segment of sidewalk, then on a berm, or have no pedestrian path to walk on. A proactive approach would be to plan for and construct sidewalks as a comprehensive network, which is the intention of removing the sidewalk development requirements and standards from the Planning and Zoning Code and placing them in Article 913 of City Code. The City Attorney is still working on Article 913 revisions and the City Engineer and Planning staff are working on a classification system for sidewalks similar to a roadway classification.

Fletcher noted Staff is working to tie all these City Code modifications together to ensure there is no time gap between the current requirements and the new requirements. If City Council decides not to pursue the comprehensive changes, then the current Planning and Zoning Code requirements would stay in place.

There being no further comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff's recommendation, which was read by Fletcher.

Demasters asked for a motion to approve. Stranko motioned to approve; seconded by Hammond. The motion carried unanimously.

## **VII. OTHER BUSINESS**

### **A. Committee Reports**

- Traffic Commission Report: No report.
- Other Committees: No reports.
- Staff Comments:

Fletcher asked if he could give a demonstration of the online zoning map that should be live in a couple of weeks. The City's GIS Analyst Marvin Davis is developing this new tool following the Planning Commission's and City Council's recent updates to the City's Official Zoning Map. A link will be placed on the City's website. Zoning district, and some Planning and Zoning Code elements, like the permitted land use table, will be available through the online mapping tool. The only spatial data we are unable to incorporate presently is the County's tax parcel mapping. The City is working with the County to integrate this data in the future.

## **VIII. FOR THE GOOD OF THE COMMISSION:**

## **IX. ADJOURNMENT: 7:27 PM**

MINUTES APPROVED:

COMMISSION SECRETARY:

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Christopher M. Fletcher, AICP

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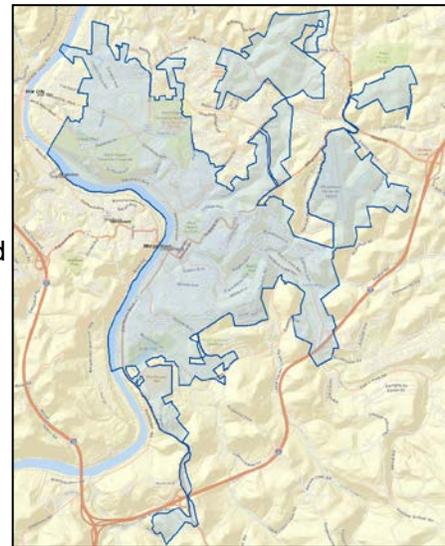
The West Virginia State Code Chapter 8A-2-11 requires Planning Commissions to:

“Make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction.”

The Morgantown Planning Commission respectfully submits this 2019 Annual Report to the Morgantown City Council.

### Morgantown Land Use Planning Milestones

- 1944 ..... City Council adopted first Zoning Ordinance
- 1959 ..... West Virginia Planning Enabling Act Adopted
- 1961 ..... City’s First Comprehensive Plan Adopted
- 1970 ..... Comprehensive Plan Updated
- 1979 ..... First City Planner Hired
- 1999 ..... Comprehensive Plan Update Adopted
- 2006 ..... Planning & Zoning Code Modernized and Codified
- 2010 ..... Downtown Strategic Plan Update Adopted
- 2013 ..... Comprehensive Plan Update Adopted
- 2016 ..... Small Area Plan – Future Study Area No. 17
- 2017 ..... Small Area Plan – Future Study Area No. 2
- 2018 ..... Small Area Plan – Future Study Area No. 18
- 2018 ..... Small Area Plan – Future Study Area No. 16
- 2019 ..... Small Area Plan – Future Study Area No. 5



### 2019 Planning & Zoning Cases

The following table illustrates the caseload for the Planning Commission and Board of Zoning Appeals during the 2017, 2018, and 2019 calendar years.

PC	BZA	Number of Applications			2019 Actions			
		2017	2018	2019	Pending	Approved	Denied	W/drawn
Site Plans (DSI)		3	2	1		1		
Minor Subdivisions		18	22	17		17		
Major Subdivisions		0	0	0		0		
Map Amendments		3	3	5	1	4		
Text Amendments		12	7	1		1		
Variances		42	44	41		41		
Conditional Uses		10	9	4		4		
Administrative Appeals		3	2	0		0		
<b>TOTAL</b>		91	89	69	1	68		

## Citizen Planners

The success of local planning policies, programming, and services depends largely on the commitment and integrity of residents appointed by the Morgantown City Council to serve on various planning-related commissions, boards, and committees. Morgantown is fortunate to enjoy a well-informed public willing to serve in the role of “Citizen Planner.” The following table identifies these volunteers and their respective terms as of December 31, 2019.

Citizen Planner	Date of Original Appointment	Current Term	Tenure (in months)
<b>Planning Commission</b>			
Peter DeMasters, President 6 <sup>th</sup> Ward Representative	03/21/2006	01/01/17 – 12/31/19	164
Carol Pyles, Vice-President 7 <sup>th</sup> Ward Representative	09/17/2008	01/01/19 – 12/31/21	135
Sam Loretta 1 <sup>st</sup> Ward Representative	06/20/2006	01/01/18 – 12/31/20	161
Tim Stranko 2 <sup>nd</sup> Ward Representative	03/21/2007	01/01/18 – 12/31/20	152
William Blosser 3 <sup>rd</sup> Ward Representative	11/05/2013	01/01/17 – 12/31/19	73
William Petros 4 <sup>th</sup> Ward Representative	01/19/2010	01/01/19 – 12/31/21	119
Michael Shuman 5 <sup>th</sup> Ward Representative	08/04/2009	01/01/19 – 12/31/21	124
Ron Dulaney Jr. City Councilor	07/01/2017	City Council term ending 06/30/21	30
AJ Hammond Administration Representative	11/20/19	at the will of City Manager	1
<i>PC Tenure Summary:</i>	Total: 959 mos. or 79.9 yrs.      Average: 106.6 mos. or 8.9 yrs.		
<b>Board of Zoning Appeals</b>			
Harrison Case	2/21/2017	01/01/17 – 12/31/19	35
Kevin Meehan	10/17/2017	01/01/19 – 12/31/21	27
Chris Benison	12/5/2017	01/01/18 – 12/31/20	24
Heidi Cook	03/20/2018	01/01/18 – 12/31/20	21
Garrett Tomblin	01/9/2019	01/01/19 – 12/31/21	12
<i>BZA Tenure Summary:</i>	Total: 119 mos. or 9.9 yrs.      Average: 23.8 mos. or 2 yrs. +/-.		

The following table identifies attendance trends for the 2017, 2018, and 2019 calendar years. One (1) Planning Commission meeting was canceled in 2019 due to the lack of cases to review and consider.

Citizen Planner	2017		2018		2019		Three-Year Attendance Rate
	Absent	Present	Absent	Present	Absent	Present	
<b>Planning Commission</b>							
Peter DeMasters 6 <sup>th</sup> Ward Representative	1	10	3	7	1	10	84%
Carol Pyles 7 <sup>th</sup> Ward Representative	4	7	3	7	4	7	66%
Sam Loretta 1 <sup>st</sup> Ward Representative	0	11	1	9	0	11	97%
Tim Stranko 2 <sup>nd</sup> Ward Representative	2	9	2	8	0	11	88%
William Blosser 3 <sup>rd</sup> Ward Representative	0	11	0	10	0	11	100%
William Petros 4 <sup>th</sup> Ward Representative	2	9	3	7	1	10	81%
Michael Shuman 5 <sup>th</sup> Ward Representative	5	6	4	6	0	11	72%
Ronald Dulaney, Jr. City Councilor	1	5	0	10	3	8	72%
AJ Hammond Administration Representative	N/A	N/A	N/A	N/A	0	1	100%
<b>Board of Zoning Appeals</b>							
Harrison Case	1	8	3	8	2	10	81%
Kevin Meehan	0	2	1	10	1	11	92%
Chris Benison	N/A	N/A	0	11	0	12	100%
Heidi Cook	N/A	N/A	0	9	1	11	95%
Garrett Tomblin	N/A	N/A	N/A	N/A	3	8	75%

## 2019 Building Permits and Construction Value

The following table identifies building permit and construction value (nominal) trends for the 2017, 2018, and 2019 calendar years as tracked and report by the City's Code Enforcement Department.

	2017		2018		2019	
	No. / Value	% Change	No. / Value	% Change	No. / Value	% Change
No. of Building Permits Issued	1,910	22.8%	1,680	-12.0%	<b>1,805</b>	<b>7.0%</b>
Total Construction/Improvement Value	\$36,267,943	9.9%	\$20,644,918	-43.1%	<b>\$30,246,880</b>	<b>47.0%</b>
Total Amount of Building Permit Related Fees Paid to the City	\$206,042	2.5%	\$161,668	-21.5%	<b>\$212,461</b>	<b>31.0%</b>

## Planned Unit Developments (PUDs)

As of December 31, 2019, there have been seven (7) Planned Unit Development (PUD) Outline Plans recommended by the Planning Commission and approved by City Council. The following status for each PUD is provided in accordance with Article 1357.03(D)(4)(c) of the Planning and Zoning Code.

The Square at Falling Run, SC Bodner, Westminster House, and Beech View Place Planned Unit Developments were completed. Grand Central Apartments was originally approved in 2007 but rescinded by ordinance in 2010. Habitat for Humanity was originally approved in 2009 but rescinded by ordinance in 2012, and lands subsequently developed as single-family housing. Glen Ridge Apartments was originally approved in 2015 but rescinded by ordinance in 2017. These PUDs were rescinded because development was not initiated prior to respective Outline Plan Approval deadlines. The City of Morgantown has not received an application for a Planned Unit Development since the Glenn Ridges Apartment PUD Outline Plan in August 2015.

## 2019 Planning Accomplishments and 2020 Planning Work Program

- City of Morgantown 2017-2019 Strategic Plan** – In December 2017, City Council finalized a strategic plan to serve as a road map guiding its vision toward implementing significant, measurable and attainable improvements. The Planning Commission and/or Development Services Department staff have direct or indirect roles in contributing to the following strategic goals and objectives.

Attractive Amenities
Objective 1: Continue to revitalize the riverfront
Promote infill and redevelopment in the Wharf District <i>UPDATE/STATUS – The Planning Division continues to engage potential development interest for the reuse of existing buildings and new construction.</i>

<b>Cooperative Relationships</b>
Objective 1: Leverage and expand intergovernmental relationships
Develop relationships with other political entities for cooperative service delivery <i>UPDATE/STATUS – The Planning Division continues to contribute to the Morgantown-Monongalia Metropolitan Planning Organization (MMMPO) through active membership on its Transportation Technical Advisory Committee (TTAC). Additionally, staff attends, as appropriate, meetings of the City’s Housing Advisory Commission and the City’s Bicycle Board.</i>
<b>Excellent City Services</b>
Objective 3: Promote collaborative code enforcement
Evaluate appropriate staffing assignments and levels to address code violations <i>UPDATE/STATUS – Additional funding was allocated by City Council in the FY2019 City Budget to increase Planning Division staff by one (1) full-time equivalent position in the third quarter of the fiscal year. Recruitment to fill the newly created Zoning Compliance Inspector position will be initiated in February 2020.</i>
<b>Quality Development</b>
Objective 1: Promote strategic community development
Provide updates of the comprehensive plan implementation regularly <i>UPDATE/STATUS – An administrative zoning text amendment was recommended by the Planning Commission and approved by City Council in JUL 2019 addressing single-family residential design standards related to front-loaded garages. The objective of these text amendments is to ensure new construction maintains an inviting human scale where exterior design emphasizes the dwelling unit rather than what is typically observed as the last attractive element: the garage.</i>
<b>Vibrant Downtown</b>
Objective 1: Encourage the continued enhancement and diversity of the downtown area
Utilize the Main Street Market Data Study. Encourage diversity in downtown development, businesses, and activities. <i>UPDATE/STATUS – Construction was substantially completed in 2019 at 461 High Street (former Dairy Queen) by SunCap Development offering three (3) new tenant spaces (Chipotle, Chase Bank, and TBD) and new mixed-used dwellings above. Additionally, The Mills Group, a local architecture firm, acquired and made significant progress in substantially renovating the building at 88 High Street (former City Office Equipment).</i>
<b>Attainable Housing</b>
Objective 1: Promote quality and diversification of housing
Research tools to increase affordable housing through inclusionary and incentive zoning practices <i>UPDATE/STATUS – \$30,000 is budgeted in FY 2019 to engage a firm to identify home ownership and rental housing market gaps and establish related policy and programming recommendations. A firm was selected in 2019 and project completion is expected in Summer 2020.</i>

Under the direction of the City Manager’s Office, the Planning Division will continue to develop and undertake implementation strategies in 2020 intended to advance these goals and objectives accordingly.

- **Small Area Studies** – Strategies NH 1.2 and ED 5.7 of the 2013 Comprehensive Plan Update provides for the preparation and implementation of small area studies for 16 “Future Study Areas”, which are identified in Appendix A of the Plan. Planning projects were completed in 2019 for Study Area No. 5 with the report received by the Planning Commission in October 2019. Further zoning map and text amendments related to the study area are anticipated for early 2020.
- **Modernization of Subdivision Regulations** – The Planning Commission and City Council completed the lengthy task of modernizing and codifying the City’s zoning regulations in 2006. The fundamental purpose of this endeavor was to implement progressive land use policies and strategies as well as comply with the State Legislature’s similar effort in 2004 to modernize the State’s Planning Enabling Law. Changes in State Code have created opportunities to streamline the review and approval of subdivision petitions. Incorporating these opportunities in Morgantown’s Planning and Zoning Code requires a major amendment to the City’s subdivision regulations. City Council allocated \$75,000 in FY 2019 to complete this project. A related request for proposals will be published in the first quarter of 2020 Calendar Year, with project completion anticipated within 9 to 12 months.
- **Geographic Information System (GIS)** – The Monongalia County Assessor’s Office maintains a web-based GIS parcel viewer [<https://ags.agdmaps.com/wv/mon/>]. The Planning Division has completed the laborious task of editing the City’s zoning district boundaries to align with the County’s GIS-based parcel mapping boundaries. Amendments to the Official Zoning Map were recommended for approval by the Planning Commission under Case Number RZ19-04 in September 2019 and approved by the City Council under Ordinance 19-29. Further amendments to the Official Zoning Map are anticipated to be enacted in early 2020 to related to Overlay Districts. Additionally, General Fund resources were programmed in 2019 with direction given by the City Manager’s Office to recruit a full-time GIS professional, outsourced technical support, and acquire necessary hardware and software to launch an integrated City GIS. Marvin Davis joined the City of Morgantown as a GIS Analyst in September 2019.
- **Richwood-Willey Intersection Report** – In February 2018, the Planning Commission accepted the Small Area Plan and Recommendations Report for Future Study Area No. 2. A transportation operational study of the Richwood Avenue and Willey Street intersection was recommended, the completion of which by the Morgantown-Monongalia Metropolitan Planning Organization (MMMPO) occurred in June 2019. Discussions with West Virginia Division of Highways and other stakeholders on completion of recommended improvements are ongoing.
- **Morgantown Regional Bike and Pedestrian Transportation Plan** – The City of Morgantown in conjunction with the City of Westover, Monongalia County, MMMPO, West Virginia Department of Transportation, and West Virginia University assisted in the completion of the Morgantown Regional Bike and Pedestrian Transportation Plan, coordinated by Alta Planning and Design and Stantec. The plan document is anticipated to be completed in 2020, with an executive summary provided in November 2019. Initial findings from the executive summary have provided the City of Morgantown with data beneficial in modifying the existing sidewalk construction requirements and methods, with Planning Commission recommendation and Council action occurring in early 2020.

- **2023 Comprehensive Plan Update** – In hopes of building on the collaborative success of the 2013 Comprehensive Plan Update process, City Administration began the process of securing multi-year funding commitments from the Morgantown-Monongalia Metropolitan Planning Organization (MMMPO), the Monongalia County Commission, and neighboring municipalities. This will align with the timing of the MMMPO's next Metropolitan Transportation Plan (MTP) and publication of the 2020 decennial census data. Funding has been requested over three fiscal years in the City's Capital Escrow Account.

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# MORGANTOWN PLANNING COMMISSION

February 13, 2020  
6:30 p.m.  
City Council Chambers

## STAFF REPORT

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Carol Pyles, 7<sup>th</sup> Ward

**Planning Commissioners:**

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Michael Shuman, 5<sup>th</sup> Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

**CASE NO:** MNS20-01 / Adkins / 453 Civitan Street

**REQUEST and LOCATION:**

Request by Chaille Adkins for minor subdivision approval of property located at 453 Civitan Street.

**TAX MAP NUMBER (s) and ZONING DESCRIPTION:**

Seventh Ward Tax District, Tax Map 2, Parcel 100; R-1, Single-Family Residential District.

**SURROUNDING ZONING:**

R-1, Single-Family Residential District.

**BACKGROUND and ANALYSIS:**

The petitioner seeks to subdivide Parcel 100 into two (2) parcels. Addendum A of this report illustrates the subject site.

Parcel 274 includes all of Lots 26, 27 and 28 of Block No. 4 of the East Fairfield Addition subdivision. Each of the two (2) proposed parcels will have 60-foot of frontage along Civitan Street as illustrated in the staff enhanced image below:

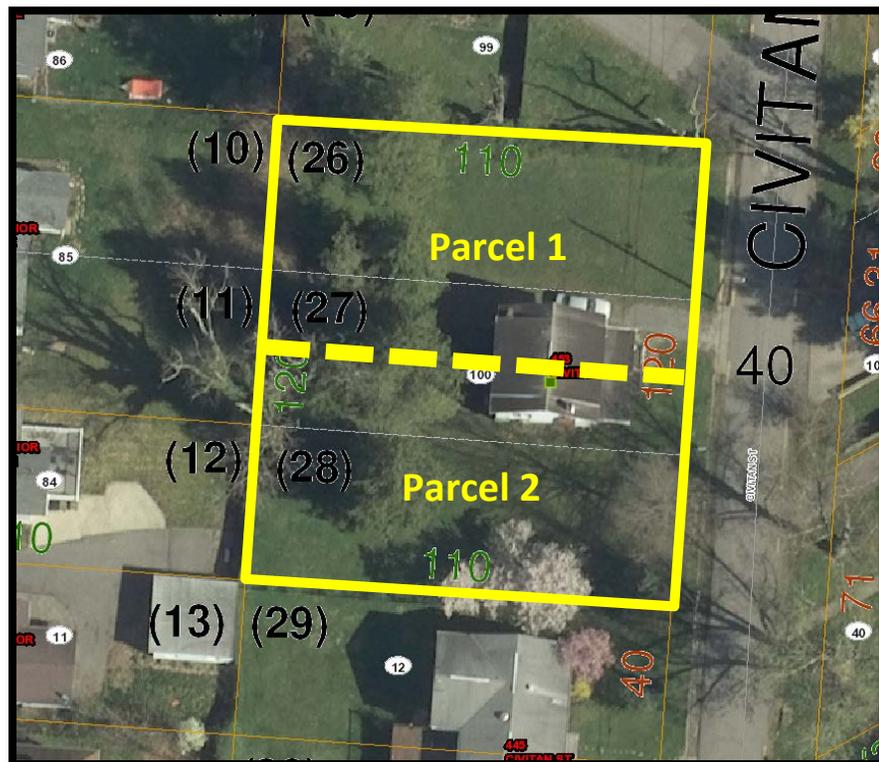
**Development Services**

Christopher Fletcher, AICP  
Director

John Whitmore, AICP  
Senior Planner

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431





# MORGANTOWN PLANNING COMMISSION

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Michael Shuman, 5<sup>th</sup> Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

Both proposed parcels would be of equal dimensions (60' x 110'), with an approximate area of 6,600 square feet. The parcels will not meet the minimum frontage standard [70 feet] or minimum area standard [7,200 square feet] for the R-1 District, as provided in the following graphic from Section 1333.03 of the Planning and Zoning Code.

1333.03 LOT PROVISIONS.  
(A) The minimum lot size shall be 7,200 square feet.  
(B) The minimum lot frontage shall be 70 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.

The waiver provision would not apply to this subdivision as Civitan Street is a city accepted roadway and public right-of-way. Accordingly, the proposed subdivision will require variances by the Planning Commission in accordance with Section 1315.07 of the Planning and Zoning Code, as shown below.

1315.07 VARIANCES AND MODIFICATIONS.  
Where the subdivider can show that a provision of these Subdivision Regulations would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Planning Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. In granting variances and modifications the Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified. Any variance or modification thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the departure was justified shall be set forth.

The following is a summary of the parcel configuration patterns within the combined block (East Fairfield Addition Block Nos. 4 and 13):

- There are 18 R-1 District classified parcels within the combined block.
- 5 of the 7 parcels fronting Civitan Street appear to meet the minimum R-1 District frontage and area standards.
- With regards to the 2 nonconforming parcels fronting Civitan Street, Parcels 10.1 and 12 are occupied by one single-family dwelling. This principal building is also considered nonconforming as it is situated on 2 separate parcels.
- Of the 11 parcels fronting Junior Avenue, only 4 appear to meet the R-1 District minimum frontage and area standards.

The following image illustrates the parcel configuration patterns within the combined block.

**Development Services**

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Director

John Whitmore, AICP  
Senior Planner

**Planning Division**

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Morgantown, WV 26505  
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# MORGANTOWN PLANNING COMMISSION

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Ronald Dulaney, City Council

AJ Hammond, City Admin.

**Development Services**

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Director

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304.284.7431





# MORGANTOWN PLANNING COMMISSION

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Michael Shuman, 5<sup>th</sup> Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

**STAFF RECOMMENDATION:**

Section 1315.07 requires the Planning Commission to determine that the departure does not destroy the intent of the provision for which the variance or modification is requested; in this case, the minimum frontage standard and minimum area standard. Additionally, the Planning Commission must state the reason on which the departure was justified.

Staff recommends the following justification considerations when considering granting the requested subdivision variance or modification:

- Over 70% of development fronting Civitan Street within the combined block meets or exceeds the R-1 District minimum lot frontage and area standards.
- The only two (2) parcels fronting Civitan Street that do not meet R-1 District minimum lot frontage and area standards is joined as one premises containing one single-family dwelling.
- Staff is unaware of nor has the petitioner provided substantiated topographic or other conditions peculiar to the site necessitating a variance from R-1 District minimum lot frontage and area standards.
- Both proposed parcels will have 10 feet less than the R-1 District minimum lot frontage standard and 600 square feet less than the R-1 District minimum lot area standard.

Staff provides no recommendation as to whether the proposed subdivision should be approved.

In the event the Planning Commission finds favorable reasoning to justify departure from the minimum lot frontage and lot area standards and approve the subdivision, staff recommends the following conditions be included:

1. That the petitioner submit at least three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of receiving the executed plat.

Enclosure: Application and accompanying exhibits

**Development Services**

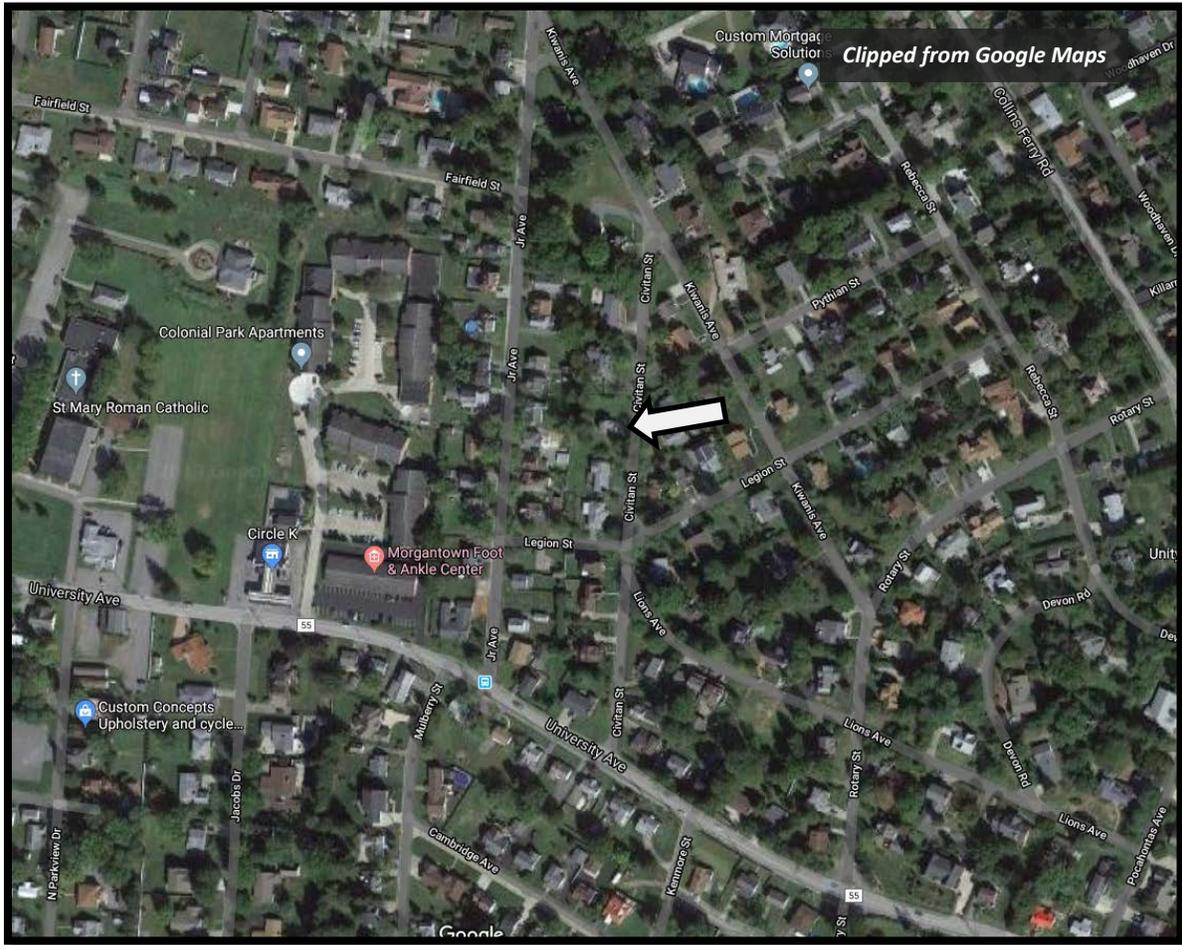
Christopher Fletcher, AICP  
Director

John Whitmore, AICP  
Senior Planner

**Planning Division**

389 Spruce Street  
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**STAFF REPORT ADDENDUM A**  
**MNS20-01 / Adkins / 453 Civitan Street**



**STAFF REPORT ADDENDUM A**  
**MNS20-01 / Adkins / 453 Civitan Street**





<b>OFFICE USE</b>
CASE NO. _____

## APPLICATION FOR MINOR SUBDIVISION

A Minor Subdivision of property includes the creation of up to four (4) parcels or the consolidation of existing parcels via survey plat or approved deeded covenants, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use.

(PLEASE TYPE OR PRINT IN BLACK INK)

**FEE: \$75.00 [Z-MNS]** *paid m-card*

I. APPLICANT			
Name:	Chaille Adkins	Phone:	910-546-9694
Mailing Address:	364 Patteson Dr. #135		Mobile:
	Street	Morgantown, WV 26505	Email: chailleadkins@gmail.com
	City	State Zip	
II. AGENT / CONTACT INFORMATION			
Name:		Phone:	
Mailing Address:	Street		Mobile:
	City State Zip		Email:
Mailings –	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	Charles Shaffer	Phone:	
Mailing Address:	453 Civitan Street		Mobile:
	Street	Morgantown, WV 26505	Email:
	City	State Zip	
IV. SITE			
Street Address (if assigned):	453 Civitan Street	Tax Map No(s):	2
Zoning:		Parcel No(s):	100
Subdivision Description, including areas (sq. ft.) of proposed parcel(s):	Dividing Lots 26, 27, 28 into two Lots. Each measuring 110'x60' for 6600 sf each		
Are there any Variances from the Subdivision Regulations anticipated:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, to what extent is a variance necessary?	Each lot will be 600 sf smaller than the required 7200 sf, Each lot will be 60' wide and not 70' wide		

\$75.00  
 Z-MNS  
 2020-00011382  
 Breanna Eflaw  
 1/10/2020 11:22:42 PM  
 Minor Subdivision Application  
 City of Morgantown



<b>OFFICE USE</b>
CASE NO. _____

## APPLICATION FOR MINOR SUBDIVISION

### V. PLAT

Preliminary Plat submission – A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

- (a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
- (b) A letter of service availability and approval from the Morgantown Utility Board.

Final Plat submission – Upon approval by the Planning Commission, three (3) sealed Final Plat surveys must be submitted to the Planning Office and meet the following standards:

- (a) Drawn to a scale of one inch (1") equals fifty feet (50') or larger;
- (b) Date of preparation, north arrow, and scale;
- (c) Legal description;
- (d) Applicant/owner name and address;
- (e) Existing zoning;
- (f) Legend;
- (g) Vicinity map;
- (h) Existing and proposed utility lines and easements;
- (i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
- (j) Location, shape, exterior dimensions of each existing building on the site(s);
- (k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
- (l) Location of springs, streams, other water bodies, and areas subject to flooding;
- (m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
- (n) Approval signature block allowing space for President of Morgantown Planning Commission;
- (o) Other items as deemed necessary by Planner Director or City Engineer.

**Please note that all approved minor subdivision plats must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plats not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require a new application.**

### VIII. ATTEST

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

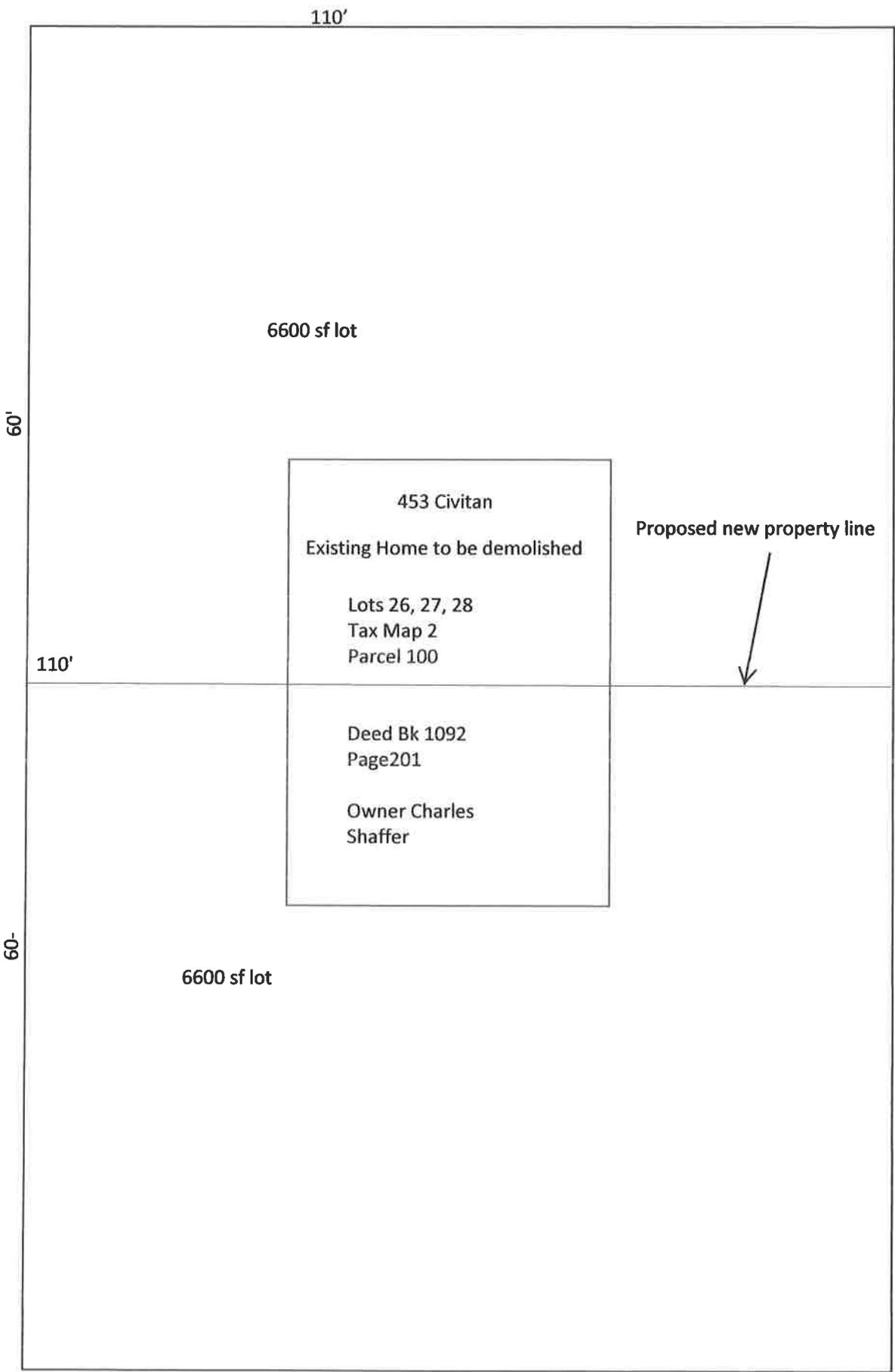
Chaille Adkins

1-6-2020

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date



110'

6600 sf lot

60'

453 Civitan  
Existing Home to be demolished

Lots 26, 27, 28  
Tax Map 2  
Parcel 100

Proposed new property line

110'

Deed Bk 1092  
Page 201

Owner Charles  
Shaffer

CIVITAN STREET

60'

6600 sf lot

# Surrounding Parcels That Are Nonconforming

## Monongalia Parcel Viewer



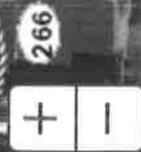
- Parcel 10: 110' x 40'
- Parcel 11: 110' x 40'
- Parcel 14: 60' x 105'
- Parcel 30: 60' x 100'

- Parcel 38: 60' x 95'
- Parcel 37: 65' x 95'
- Parcel 84: 110' x 40'
- Parcel 86: 110' x 40'

- Parcel 88: 110' x 40'
- Parcel 89: 110' x 40'



# Monongalia Parcel Viewer



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# MORGANTOWN PLANNING COMMISSION

February 13, 2020  
6:30 p.m.  
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William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Michael Shuman, 5<sup>th</sup> Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

## STAFF REPORT

**CASE NO:** MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road

**REQUEST and LOCATION:**

Request by Michael Callen for minor subdivision approval of property located at 3423 and 3427 Collins Ferry Road.

**TAX MAP NUMBER (s) and ZONING DESCRIPTION:**

Seventh Ward Tax District, Tax Map 53, Parcels 125 and 126; R-1, Single-Family Residential District.

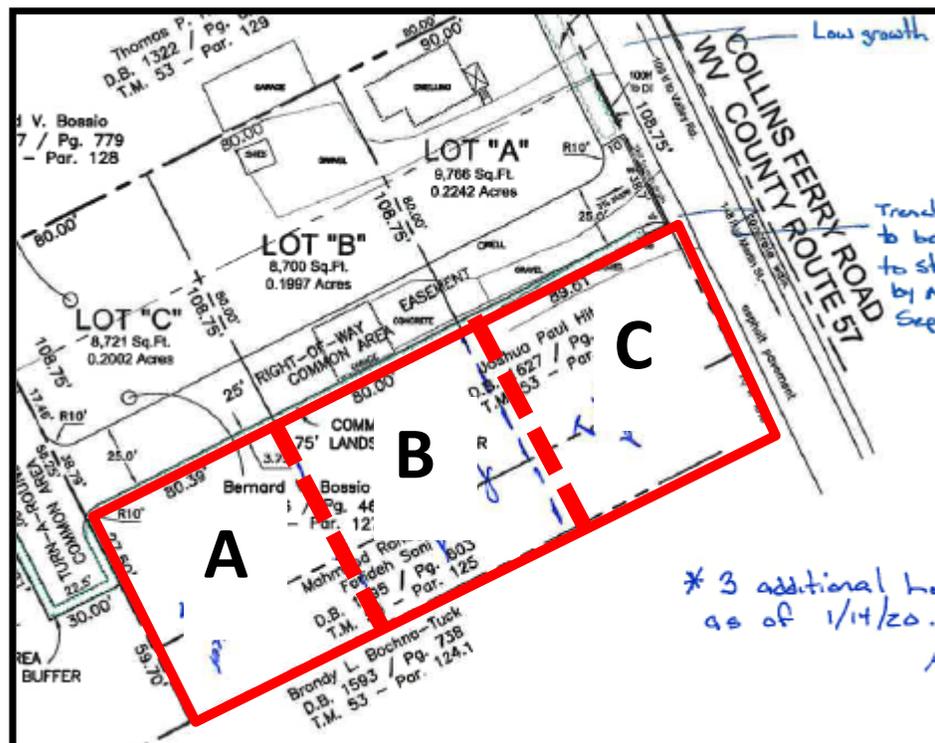
**SURROUNDING ZONING:**

R-1, Single-Family Residential District.

**BACKGROUND and ANALYSIS:**

The petitioner seeks to subdivide parcels 126 and 125 into three (3) parcels. Addendum A of this report illustrates the subject site.

The proposed subdivision would result in three (3) equally sized and spaced parcels as shown in the staff enhanced image below:



**Development Services**

Christopher Fletcher, AICP  
Director

John Whitmore, AICP  
Senior Planner

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



# MORGANTOWN PLANNING COMMISSION

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Ronald Dulaney, City Council

AJ Hammond, City Admin.

Each parcel will be approximately 83.33' in width and 87 feet in depth for an area of 7,249.71 square feet +/-, in excess of the R-1 District minimum lot size standard.

The parcels will front on a private roadway established under minor subdivisions MNS19-07 and MNS19-08. The staff report [without appendices], 09 May 2019 Planning Commission meeting minutes, and the action letter related to those subdivisions are attached in Addendum B of this report.

As the parcels will be served by a right-of-way, the minimum lot frontage standard may be waived as provided in Section 1333.03(B) of the Planning and Zoning Code:

1333.03 LOT PROVISIONS.  
(A) The minimum lot size shall be 7,200 square feet.  
  
(B) The minimum lot frontage shall be 70 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.

As requested by staff, the petitioner has submitted a letter from the West Virginia Division of Highways confirming that, "it is not felt [by WVDOH] that three additional home will adversely affect the operation of the previously permitted driveway [for Case Nos. MNS19-07 and MNS19-08]. Said letter dated 14 JAN 2020 is appended hereto.

**STAFF RECOMMENDATION:**

Staff recommends the proposed subdivision be approved as requested with the following conditions:

1. That, if not already completed, the two (2) single-family principle buildings and any accessory structures thereto located on Parcels 125 and 126 of Tax Map 53, must be razed and removed;
2. That final right-of-way easement location and design dimensions must be approved in writing by the City Engineer and the City Fire Marshall, in accordance with MNS19-08 / Bossio / 3431 and 3435 Collins Ferry Road;
3. That the petitioner shall furnish to the Office of the City Manager a performance bond that assures the City that the subdivide, his/her heirs, successors and assigns, their agent or servants will faithfully perform and complete the work of constructing and installing improvements as determined by the City Engineer (e.g., roadway, sidewalks, water, sanitary sewer, stormwater, etc.). Further, such performance bond shall:
  - a. Run to the City of Morgantown.
  - b. Be in an amount of the estimated construction cost of the ultimate installation of improvements as determined by the City Engineer.
  - c. Specify the time for the completion of installation of the improvements.

**Development Services**

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Director

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Senior Planner

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## MORGANTOWN PLANNING COMMISSION

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Michael Shuman, 5<sup>th</sup> Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

4. That the petitioner submit at least three (3) original final plat documents, including all access/utility easements, if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
5. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of observing the conditions set forth above and after receiving the executed plat.

Enclosure: Application and accompanying exhibits

**Development Services**

Christopher Fletcher, AICP  
Director

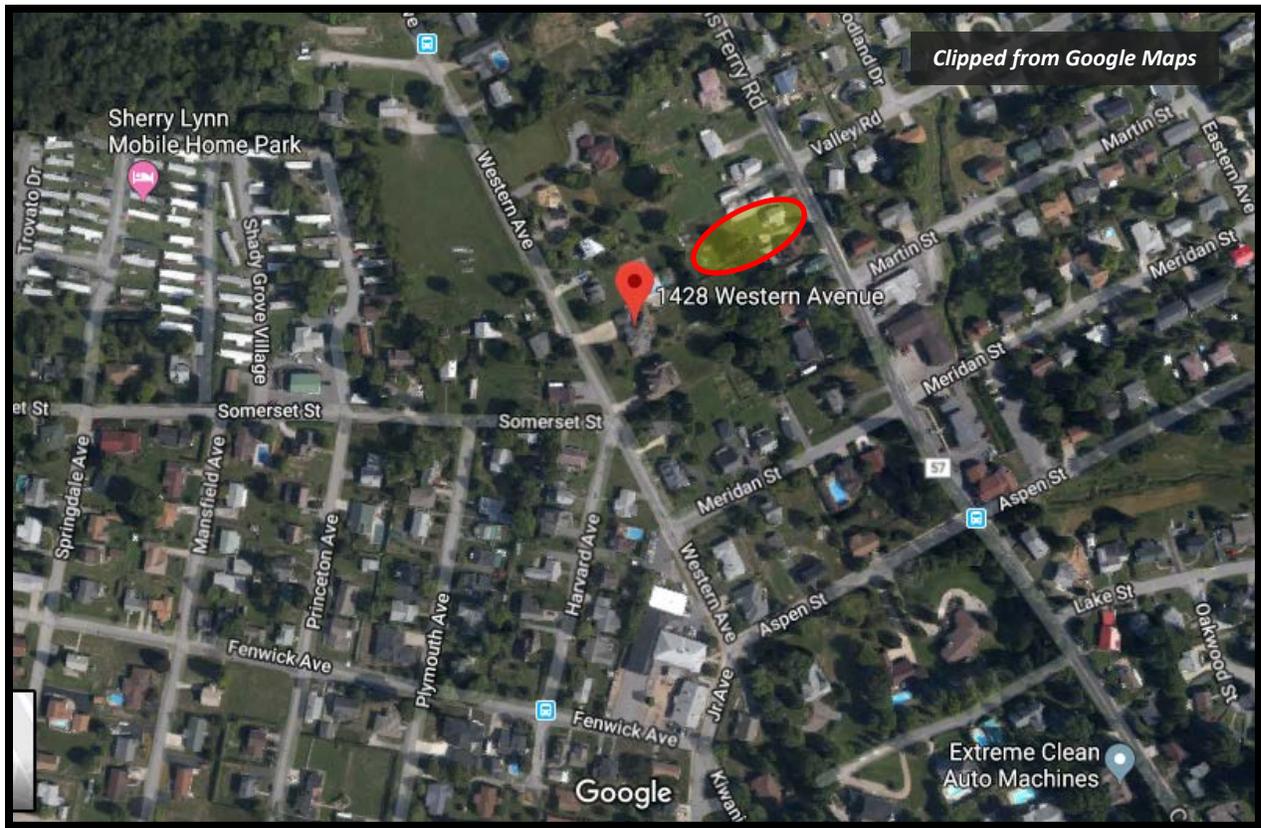
John Whitmore, AICP  
Senior Planner

**Planning Division**

389 Spruce Street  
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# COMBINED STAFF REPORT ADDENDUM A

MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road



# COMBINED STAFF REPORT ADDENDUM A

MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road



# STAFF REPORT ADDENDUM B

MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road

## Table of Contents

<b>MNS19-07 and MNS 19-08 Combined Staff Report</b>	<b>Page 2 of 9</b>
<b>May 9, 2019 Planning Commission Minutes</b>	<b>Page 6 of 9</b>
<b>MNS19-07 and MNS 19-08 Approval letter</b>	<b>Page 8 of 9</b>

# STAFF REPORT ADDENDUM B

MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road



## MORGANTOWN PLANNING COMMISSION

May 9, 2019  
6:30 p.m.  
City Council Chambers

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Carol Pyles, 7<sup>th</sup> Ward

**Planning Commissioners:**

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Michael Shuman, 5<sup>th</sup> Ward

Ronald Dulaney, City Council

Gigi Villarreal, City Admin.

### COMBINED STAFF REPORT

**CASE NOs:** MNS19-08 / Bossio / 3431 and 3435 Collins Ferry Road  
MNS19-07 / Kolanko / 1428 Western Avenue

**REQUEST and LOCATION:**

Requests by Bernard Bossio, for himself and on behalf of Vincent and Delores Kolanko, for minor subdivision approvals of property located at 3431 and 3435 Collins Ferry Road and at 1428 Western Avenue, respectively.

**TAX MAP NUMBER (s) and ZONING DESCRIPTION:**

Tax Map 53, Parcels 127, 128 and 121, respectively; R-1, Single-Family Residential District

**SURROUNDING ZONING:**

R-1, Single-Family Residential District

**BACKGROUND**

The petitioners seek to subdivide their three (3) respective parcels and provide a 25-foot right-of-way easement in a configuration that will result in four (4) new buildable parcels. Addendum A of this report illustrates the location of the subject site.

The subdivision of Parcel 127, included in MNS19-08 Bossio petition, into two (2) parcels was approved by the Planning Commission on 18 NOV 2013 under Case No. MNS13-22. The Planning Division has no record of that subdivision being recorded at the Monongalia County Clerk's Office. Addendum B of this report provides the Planning Commission's approval letter and Staff Report related to that case.

**ANALYSIS:**

*MNS19-08 / Bossio / 3431 and 3435 Collins Ferry Road*

Mr. Bossio seeks to reconfigure his two (2) existing parcels into three (3) parcels that will front and be accessed by a 25-foot right-of-way easement to/from Collins Ferry Road. If the MNS13-22 subdivision had been recorded, Mr. Bossio's proposal would be considered a reconfiguration of three (3) parcels. These parcels are labeled Lots "A", "B", and "C" on the petitioner's proposed plat.

The right-of-way easement includes a "T" or "Hammerhead" designed turn-around that has been preliminarily reviewed by the City Fire Marshall's Office to ensure proper access and movements for emergency response vehicles. The location of this turn-around is a part of the tract included in the Kolanko proposed subdivision [MNS19-07].

**Development Services**

Christopher Fletcher, AICP  
Director

John Whitmore, AICP  
Planner III

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

# STAFF REPORT ADDENDUM B

MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road



## MORGANTOWN PLANNING COMMISSION

May 9, 2019  
6:30 p.m.  
City Council Chambers

**President:**  
Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**  
Carol Pyles, 7<sup>th</sup> Ward

**Planning Commissioners:**  
Sam Loretta, 1<sup>st</sup> Ward  
Tim Stranko, 2<sup>nd</sup> Ward  
William Blosser, 3<sup>rd</sup> Ward  
Bill Petros, 4<sup>th</sup> Ward  
Michael Shuman, 5<sup>th</sup> Ward  
Ronald Dulaney, City Council  
Gigi Villarreal, City Admin.

As illustrated in the clipped image below, the R-1 District minimum lot area standard is 7,200 square feet and the minimum lot frontage standard is 70 feet (emphasis added and addressed later).

1333.03 LOT PROVISIONS.  
(A) The minimum lot size shall be 7,200 square feet.  
(B) The minimum lot frontage shall be 70 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.

The following table identifies the proposed lot frontage and lot areas for each of the three (3) proposed parcels included in this petition. Frontage these parcels will be along the to-be-named right-of-way easement.

Lot Identifier	Proposed Lot Area (min. of 7,200 sq. ft.)	Proposed Lot Frontage (min. of 70 ft.)
Lot "A"	9,766 sq. ft.	90 ft.
Lot "B"	8,700 sq. ft.	80 ft.
Lot "C"	8,721 sq. ft.	80 ft.

### MNS19-07 / Kolanko / 1428 Western Avenue

The Kolankos reside at 1428 Western Avenue, the parcel for which is currently configured in an "L" shape wrapping around Parcel 121.1 of Tax Map 53. The petitioner seeks to create a new buildable parcel as they plan to downsize from their existing home.



The proposed parcel, labeled as Lot "D" on the petitioner's proposed plat, follows the orderly side property boundary of Parcel 121.1 (1432 Western Avenue) as illustrated in the graphic to the right. The proposed parcel will be accessed by the right-of-way easement to/from Collins Ferry Road through the Bossio proposed subdivision [MNS19-08].

Lot "D" will be approximately 14,243 sq. ft. in area, which exceeds the minimum R-1 District lot size area standard. The proposed parcel will only have approximately 57 feet of frontage along the turn-around. As highlighted in the Section 1333.03 graphic above, the 70-foot lot frontage standard may be waived as the proposed Lot "D" will be served by a proper right-of-way running through the Bossio proposed subdivision [MNS19-08].

**Development Services**  
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Director

John Whitmore, AICP  
Planner III

**Planning Division**  
389 Spruce Street  
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# STAFF REPORT ADDENDUM B

MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road



## MORGANTOWN PLANNING COMMISSION

May 9, 2019  
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Michael Shuman, 5<sup>th</sup> Ward

Ronald Dulaney, City Council

Gigi Villarreal, City Admin.

The petitioner has submitted a MUB service availability letter and an approved access permit from the West Virginia Division of Highways.

Staff recommends that the Planning Commission, without objection from members of the Commission, the petitioner, or the public, combine the public hearings for the two (2) Minor Subdivision petitions presented herein. However, each respective petition must be considered and acted upon by the Planning Commission separately.

**STAFF RECOMMENDATION:**

Again, each minor subdivision petition must be considered and acted upon by the Planning Commission separately. Due to the nature of the subdivision petitions and access, Staff recommends MNS19-08 involving 3431 and 3435 Collins Ferry Road be decided first.

*MNS19-08 / Bossio / 3431 and 3435 Collins Ferry Road*

Staff recommends the proposed subdivision be approved as requested with the following conditions:

1. That this approval shall be contingent upon Planning Commission approval of Case No. MNS19-07;
2. That, if not already completed, the two (2) single-family principle buildings and any accessory structures thereto located on Parcels 127 and 128 of Tax Map 53, must be razed and removed;
3. That final right-of-way easement location and design dimensions must be approved in writing by the City Engineer and the City Fire Marshall;
4. That the petitioner shall furnish to the Office of the City Manager a performance bond that assures the City that the subdivider, his/her heirs, successors and assigns, their agent or servants will faithfully perform and complete the work of constructing and installing improvements as determined by the City Engineer (e.g., roadway, sidewalks, water, sanitary sewer, stormwater, etc.). Further, such performance bond shall:
  - a. Run to the City of Morgantown.
  - b. Be in an amount of the estimated construction cost of the ultimate installation of improvements as determined by the City Engineer.
  - c. Specify the time for the completion of installation of the improvements.
5. That the petitioner submit at least three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
6. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of observing the conditions set forth above and after receiving the executed plat.

**Development Services**

Christopher Fletcher, AICP  
Director

John Whitmore, AICP  
Planner III

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

# STAFF REPORT ADDENDUM B

MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road



## MORGANTOWN PLANNING COMMISSION

May 9, 2019  
6:30 p.m.  
City Council Chambers

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Carol Pyles, 7<sup>th</sup> Ward

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Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Michael Shuman, 5<sup>th</sup> Ward

Ronald Dulaney, City Council

Gigi Villarreal, City Admin.

*MNS19-07/ Kolanko / 1428 Western Avenue*

Staff recommends the proposed subdivision be approved as requested with the following conditions:

1. That this approval shall be contingent upon Planning Commission approval of Case No. MNS19-08;
2. That final right-of-way easement location and design dimensions must be approved in writing by the City Engineer and the City Fire Marshall;
3. That the petitioner shall furnish to the Office of the City Manager a performance bond that assures the City that the subdivider, his/her heirs, successors and assigns, their agent or servants will faithfully perform and complete the work of constructing and installing improvements as determined by the City Engineer (e.g., roadway, sidewalks, water, sanitary sewer, stormwater, etc.). Further, such performance bond shall:
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5. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of observing the conditions set forth above and after receiving the executed plat.

Enclosure: Application and accompanying exhibits

**Development Services**

Christopher Fletcher, AICP  
Director

John Whitmore, AICP  
Planner III

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

# STAFF REPORT ADDENDUM B

## MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road

DeMasters asked if it would be stated in the deed that the parcels may not be subdivided in the future. Berryman confirmed.

There being no further comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff's recommendation, which was read by Fletcher.

Stranko moved to approve MNS19-06 with Staff recommended conditions; seconded by Dulaney. Motion carried unanimously.

Petros reentered Council Chambers.

**B. MNS19-08 / Bossio / 3431 & 3435 Collins Ferry Road: Request by Bernard V. Bossio for minor subdivision approval of property located at 3431 & 3435 Collins Ferry Road; Tax Map 53, Parcels 127 and 128; R-1, Single-Family Residential District.**

Fletcher presented a combined Staff Report for Case Nos. MNS19-08 and MNS19-07.

DeMasters recognized Bernard Bossio of 449 Kiwanis Avenue who provided further explanation of the petitions.

Petros asked if the existing pool would be razed. Bossio confirmed.

Stranko asked if the setback requirements will be met with the subdivision. Bossio stated he is not sure if he will be able to meet the setbacks until building designs have been finalized and stated a variance may be necessary in the future.

Stranko referred to the Staff Report asked about the boundary to the north of the Kelly property. Bossio stated there will be a six-foot high fence surrounding the property.

DeMasters asked if he was representing the Kolankos petition. Bossio confirmed.

DeMasters asked if there were any objections to combining MNS19-08 and MNS19-07. No objections were noted.

There being no further comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petitions. There being none, DeMasters closed the public hearing and asked for staff's recommendation, which was read by Fletcher.

Stranko moved to approve MNS19-08 with Staff recommended conditions; seconded by Pyles. Motion carried unanimously.

**C. MNS19-07 / Kolanko / 1428 Western Avenue: Request by Bernard V. Bossio, on behalf of Vincent and Delores Kolanko, for minor subdivision approval of property located at 1428 Western Avenue; Tax Map 53, Parcel 121; R-1, Single-Family Residential District.**

Stranko asked for further explanation on why the surety bond is included in the MNS19-07 staff recommendation. Fletcher stated the roadway encroaches onto the Kolanko property.

# STAFF REPORT ADDENDUM B

## MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road

Stranko moved to approve MNS19-07 with Staff recommended conditions; seconded by Dulaney. Motion carried unanimously.

- D. MNS19-09 / Adkins / Woodland Drive: Request by Chaille Adkins for minor subdivision approval of property located along Woodland Drive; Tax Map 53, Parcel 187; R-1, Single-Family Residential District.

Fletcher presented the Staff Report.

Stranko asked if MUB has stormwater management in this area. Fletcher referred to Addendum A in the Staff Report to show where the stormwater management facility is located.

There being no further comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff's recommendation, which was read by Fletcher.

Stranko moved to approve MNS19-09 with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

- E. S19-01-III / ALDI, Inc. / 1351 Earl L. Core Road: Request by Sudath Alvis, on behalf of ALDI Inc., Saxonburg Division, for a Type III Development of Significant Impact Site Plan approval at 1351 Earl L. Core Road; Tax Map 31, Parcels 101.2 and 101.5; B-2, Service Business District and B-5, Shopping Center District, respectively.

Fletcher presented the Staff Report.

DeMasters recognized Christopher Kambar of APE Engineering and Architecture, on behalf of ALDI, Inc., who presented a Power Point presentation to give a brief history of the company and to further explain the project.

Fletcher noted there will be a cross access easement and stated the whole intersection will be reconfigured which will allow for better navigation of that area.

Stranko asked if the access road would be a City-owned street. Fletcher stated the driveway would be private access.

Fletcher stated the setback variance is largely created by the floodplain which created an opportunity for parking between the building and Earl Core Road. Fletcher noted the parking spaces could be considered as advancing traffic calming as designed.

Stranko asked if there are plans for speed bumps or any other speed-controlled measures. Kumbar noted there will be pavement marked crosswalks and yield signs.

Stranko inquired about the green space along Earl Core Road. Kumba stated there will be small trees in between bushes that will be set back ten to eleven feet to prevent any visual barriers.

Kumba provided further explanation on the placement of parking, green space, lighting and landscaping.

# STAFF REPORT ADDENDUM B

MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road



DEVELOPMENT SERVICES  
PLANNING DIVISION

## The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7431 TDD (304) 284-7512  
FAX (304) 284-7534 www.morgantownwv.gov

May 10, 2019

Bernard V. Bossio  
449 Kiwanis Avenue  
Morgantown, WV 26505

RE: **MNS19-08 / Bossio / 3431 and 3435 Collins Ferry Road**  
**MNS19-07 / Kolanko / 1428 Western Avenue**  
**Tax Map 53, Parcels 127, 128 and 121, respectively; R-1, Single-Family Residential District**

Dear Mr. Bossio:

At their monthly meeting on Thursday, May 9, 2019, the Morgantown Planning Commission **APPROVED** the above referenced petition to subdivide the subject realty as requested.

*MNS19-08 / Bossio / 3431 and 3435 Collins Ferry Road*

Staff recommends the proposed subdivision be approved as requested with the following conditions:

1. That this approval shall be contingent upon Planning Commission approval of Case No. MNS19-07;
2. That, if not already completed, the two (2) single-family principle buildings and any accessory structures thereto located on Parcels 127 and 128 of Tax Map 53, must be razed and removed;
3. That final right-of-way easement location and design dimensions must be approved in writing by the City Engineer and the City Fire Marshall;
4. That the petitioner shall furnish to the Office of the City Manager a performance bond that assures the City that the subdivider, his/her heirs, successors and assigns, their agent or servants will faithfully perform and complete the work of constructing and installing improvements as determined by the City Engineer (e.g., roadway, sidewalks, water, sanitary sewer, stormwater, etc.). Further, such performance bond shall:
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  - c. Specify the time for the completion of installation of the improvements.
5. That the petitioner submit at least three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,

Page 1 of 2

## STAFF REPORT ADDENDUM B

### MNS20-02 / Callen / 3423 and 3427 Collins Ferry Road

6. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of observing the conditions set forth above and after receiving the executed plat.

#### *MNS19-07/ Kolanko / 1428 Western Avenue*

Staff recommends the proposed subdivision be approved as requested with the following conditions:

1. That this approval shall be contingent upon Planning Commission approval of Case No. MNS19-08;
2. That final right-of-way easement location and design dimensions must be approved in writing by the City Engineer and the City Fire Marshall;
3. That the petitioner shall furnish to the Office of the City Manager a performance bond that assures the City that the subdivider, his/her heirs, successors and assigns, their agent or servants will faithfully perform and complete the work of constructing and installing improvements as determined by the City Engineer (e.g., roadway, sidewalks, water, sanitary sewer, stormwater, etc.). Further, such performance bond shall:
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5. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of observing the conditions set forth above and after receiving the executed plat.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Planning Commission during this thirty-day period is at the sole financial risk of the petitioner.

Should you have any questions or require further clarification concerning the next steps, please contact the undersigned. We look forward to serving your development review and approval needs.

Respectfully,



Stacy Hollar  
Executive Secretary



## APPLICATION FOR MINOR SUBDIVISION

A Minor Subdivision of property includes the creation of up to four (4) parcels or the consolidation of existing parcels via survey plat or approved deeded covenants, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use. CK# 6030

(PLEASE TYPE OR PRINT IN BLACK INK)

FEE: \$75.00 [Z-MNS]

I. APPLICANT			
Name:	Michael S Callen	Phone:	304-904-7181
Mailing Address:	182 Greenville School Road	Mobile:	
	Street Brucehills WV 26525	City	State
	Zip	Email:	mikecallen12@yahoo.com
II. AGENT / CONTACT INFORMATION			
Name:		Phone:	
Mailing Address:	Street	Mobile:	
	City	State	Zip
		Email:	
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	Sasha Hite and Mahmood Ronaghi	Phone:	304-290-6334
Mailing Address:	3423 and 3427 Collins Ferry Rd.	Mobile:	
	Street Morgantown WV 26505	City	State
	Zip	Email:	
IV. SITE			
Street Address (if assigned):		Tax Map No(s):	53
Zoning:	R1	Parcel No(s):	125+127
Subdivision Description, including areas (sq. ft.) of proposed parcel(s):	Combine lots 125 and 127 to create a minor subdivision with 3 individual lots, Each lot will measure 80x87		
Are there any Variances from the Subdivision Regulations anticipated:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, to what extent is a variance necessary?			

\$75.00  
 Z-MNS  
 2020-0001525  
 Kim Hargis  
 1/15/2020 8:58 AM  
 Minor Subdivision  
 For Deposit Only  
 City of Morgantown  
 App11-11-11



## APPLICATION FOR MINOR SUBDIVISION

### V. PLAT

Preliminary Plat submission – A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

- (a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
- (b) A letter of service availability and approval from the Morgantown Utility Board.

Final Plat submission – Upon approval by the Planning Commission, three (3) sealed Final Plat surveys must be submitted to the Planning Office and meet the following standards:

- (a) Drawn to a scale of one inch (1") equals fifty feet (50') or larger;
- (b) Date of preparation, north arrow, and scale;
- (c) Legal description;
- (d) Applicant/owner name and address;
- (e) Existing zoning;
- (f) Legend;
- (g) Vicinity map;
- (h) Existing and proposed utility lines and easements;
- (i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
- (j) Location, shape, exterior dimensions of each existing building on the site(s);
- (k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
- (l) Location of springs, streams, other water bodies, and areas subject to flooding;
- (m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
- (n) Approval signature block allowing space for President of Morgantown Planning Commission;
- (o) Other items as deemed necessary by Planner Director or City Engineer.

**Please note that all approved minor subdivision plats must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plats not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require a new application.**

### VIII. ATTEST

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

Michael S. Callen

Type/Print Name of Applicant/Agent

[Signature]

Signature of Applicant/Agent

1/15/20

Date



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

Office of the District Engineer/Manager  
District Four

P. O. Box 4220 · Clarksburg, West Virginia 26302 · (304) 842-1500

January 14, 2020

**Mike Callen**  
182 Greenville School Rd.  
Bruceton Mills, WV 26525

Mr. Callen,

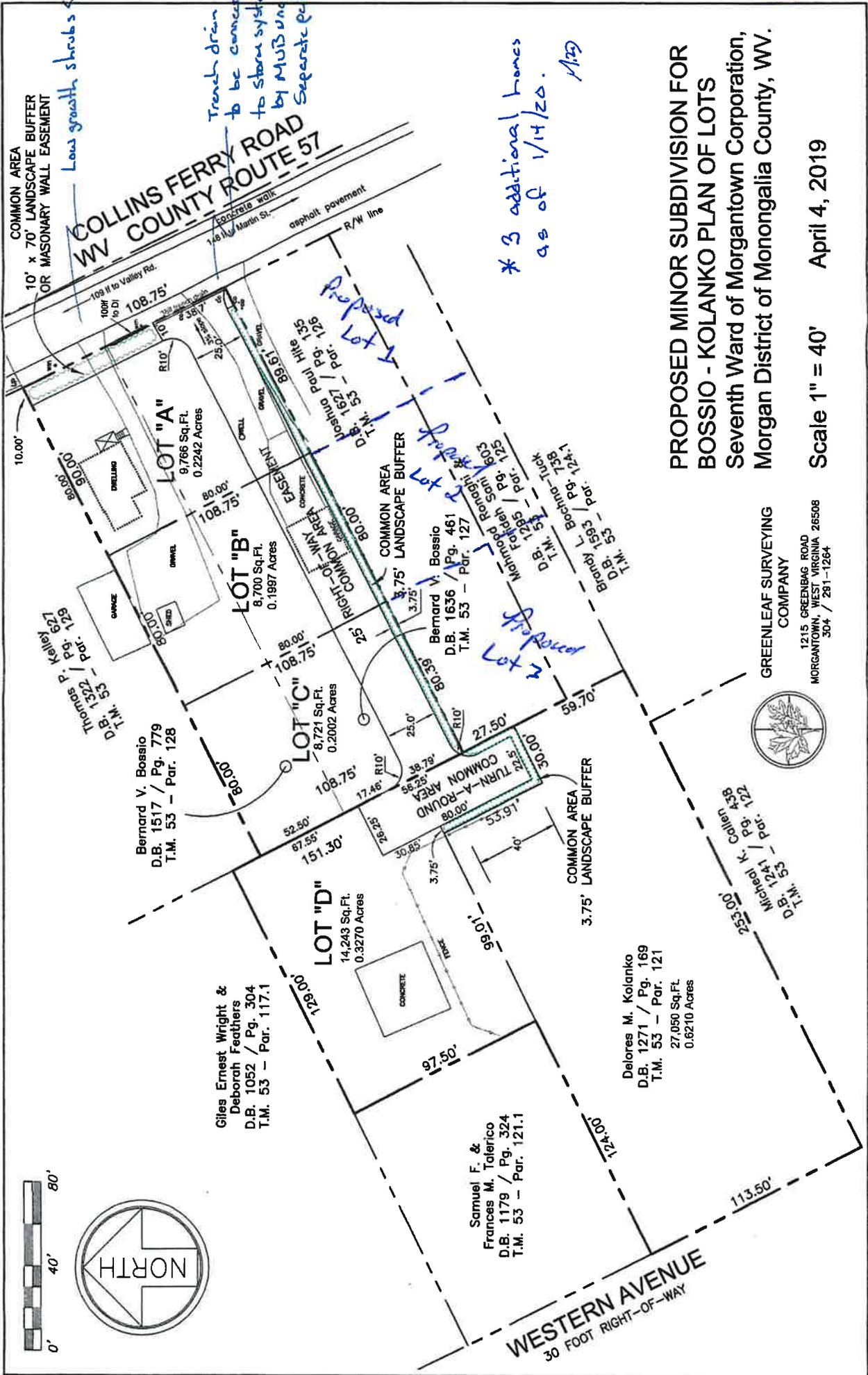
**Thank you for the additional information on your project on Monongalia CR 57. It is not felt that three additional homes will adversely affect the operation of the previously permitted driveway. Do make sure the driveway drainage is controlled with a trench drain as originally proposed. Attached is a copy of the original permit 04-2019-0358 which is still valid.**

**If you have questions or need additional information, please contact me at [Michael.R.Davis@wv.gov](mailto:Michael.R.Davis@wv.gov). Thank you.**

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Davis".

**Michael Davis, P.E.**  
**WVDOH District Four**  
**Permits Department**



COMMON AREA  
10' x 70' LANDSCAPE BUFFER  
OR MASONRY WALL EASEMENT

Low growth shrubs < 2'

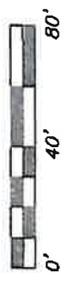
Trench drain  
to be connected  
to storm system  
by MUB under  
Separate permit

\* 3 additional homes  
as of 1/14/20.  
A123

**PROPOSED MINOR SUBDIVISION FOR  
BOSSIO - KOLANKO PLAN OF LOTS  
Seventh Ward of Morgantown Corporation,  
Morgan District of Monongalia County, WV.**

Scale 1" = 40' April 4, 2019

GREENLEAF SURVEYING  
COMPANY  
1215 GREENBAG ROAD  
MORGANTOWN, WEST VIRGINIA 26508  
304 / 281-1264



Giles Ernest Wright &  
Deborah Feathers  
D.B. 1052 / Pg. 304  
T.M. 53 - Par. 117.1

Bernard V. Bossio  
D.B. 1517 / Pg. 779  
T.M. 53 - Par. 128

LOT "D"  
14,243 Sq.Ft.  
0.3270 Acres

LOT "C"  
8,721 Sq.Ft.  
0.2002 Acres

LOT "B"  
8,700 Sq.Ft.  
0.1997 Acres

LOT "A"  
9,766 Sq.Ft.  
0.2242 Acres

Samuel F. &  
Frances M. Tolerico  
D.B. 1179 / Pg. 324  
T.M. 53 - Par. 121.1

Delores M. Kolanko  
D.B. 1271 / Pg. 169  
T.M. 53 - Par. 121  
27,050 Sq.Ft.  
0.6210 Acres

Michael K. Callen  
D.B. 1241 / Pg. 438  
T.M. 53 - Par. 122

Bernard V. Bossio  
D.B. 1636 / Pg. 461  
T.M. 53 - Par. 127

Manford Rotgill  
D.B. 1205 / Pg. 125  
T.M. 53 - Par. 125

Brandy L. Beckner-Tick  
D.B. 1265 / Pg. 738  
T.M. 53 - Par. 124.1

100' to Valley Rd.  
100' to Martin St.  
Concrete walk  
asphalt pavement  
R/W line

WESTERN AVENUE  
30 FOOT RIGHT-OF-WAY

COLLINS FERRY ROAD  
WV COUNTY ROUTE 57

Thomas P. Kelley  
D.B. 1322 / Pg. 129  
T.M. 53 - Par. 129

10.00'  
30.00'  
80.00'

100' to Valley Rd.  
100' to Martin St.  
Concrete walk  
asphalt pavement  
R/W line

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PERMIT NO. 04-2019-0358

MNS20-02

PERMIT TO ENTER UPON, UNDER, OVER OR ACROSS THE STATE ROADS OF THE STATE OF WEST VIRGINIA, AS PROVIDED FOR IN SECTION 6, ARTICLE 16, CHAPTER 17; SECTION 9, ARTICLE 16, CHAPTER 17; SECTION 8, ARTICLE 4, CHAPTER 17, WEST VIRGINIA CODE, 1931, AS AMENDED.

THIS PERMIT, Made this 10 day of April 20 19, between the WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation hereinafter called DIVISION and ~~Bernard Victor Bossio~~ Mike Callen 304-904-7181

Address: 449 Kiwanis Ave Morgantown, WV 26505 Phone No: (304) 685-9810  
hereinafter called APPLICANT. 182 Greenville School Rd., Broceton Mills, WV 26525

WITNESSETH

In consideration of the hereinafter set out covenants and in accordance with Section 6, Article 16, Chapter 17; or Section 9, Article 16, Chapter 17; or Section 8, Article 4, Chapter 17, of the Official Code of West Virginia, 1931, as amended, and the rules and regulations promulgated thereunder, APPLICANT does hereby apply to enter

Route Type & No. CR 57 DOH Project No. \_\_\_\_\_ (if applicable);  
at 0.46mi north of jct. CR 59/2 Mile Post 0.71  
in Monongalia County, for the purposes hereinafter set forth and in accordance with the plans and specifications which are attached hereto and made a part hereof:  
Construction and maintenance of a shared use driveway as shown on the attached site plan.

APPLICANT further agrees to accept the conditions hereinafter set forth:

1. APPLICANT shall deposit with DIVISION the sum of \$ \_\_\_\_\_ in the form of an official, certified or cashier's check, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the granting of this permit, including any expense incurred in restoring said highway to its original condition or the proper repair of any and all damages that may result within one (1) year from the date of the completion of said work.
2. APPLICANT agrees to reimburse DIVISION for inspection costs as follows:
  - A. For any inspection costs incurred under this permit.
  - B. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of water line installed under this permit
  - C. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of sewer line installed under this permit
3. APPLICANT shall notify DIVISION at least 48 hours in advance of the date the work will begin. Failure to comply will be cause for cancellation of this permit.
4. APPLICANT agrees to protect its employees, equipment and users of the highway at all times in accordance with the current Division of Highways manual "~~Traffic Control For Street and Highway Construction and Maintenance Operations~~". Temporary Traffic Control for Streets and Highways.
5. APPLICANT agrees to comply with all applicable state and federal laws in the performance of work under this permit.
6. Supplementary conditions cited on the reverse side of this permit are understood and agreed to be a part hereof.
7. The work authorized under this permit shall be completed on or before (Date): 10/11/20  
4/11/20

Applicant's signature on this permit affirms that all text herein is a verbatim reproduction of The West Virginia Division of Highways Encroachment Permit Form MM-109, revision date May 19, 2005. All attachments are inclusive to this permit.

RECOMMENDED:

[Signature]  
Title District Four

[Signature]  
Signature and Title of Applicant

BOND REQUIREMENT:

BOND NO. \_\_\_\_\_ DATE \_\_\_\_\_  
Attached  On File   
INSPECTION: Owner/Consultant   
Full Time  Part Time   
Periodic  Reimbursable  No Cost

APPROVED: [Signature]  
Title ASSISTANT DISTRICT ENGINEER MAINTENANCE  
West Virginia Division of Highways

AUTHORIZATION NO: \_\_\_\_\_

PERMIT NO: 04-2019-0358

## CHAPTER 17 WEST VIRGINIA CODE, 1931

**§17-4-8. Use of roadbed by railroad, telephone company, etc.**

No railroad or electric or other railway shall be constructed upon the roadbed of any state road, except to cross the same, nor shall any person, firm or corporation enter upon or construct any works in or upon such road, or lay or maintain thereon or thereunder any drainage, sewer or water pipes, gas pipes, electric conduits or other pipes, nor shall any telephone, telegraph or electric line or power pole, or any other structure whatsoever, be erected upon, in or over any portion of a state road, except under such restrictions, conditions and regulations as may be prescribed by the state road commissioner. Whenever any railroad or electric or other railway, heretofore or hereafter constructed, shall cross any state road, it shall be required to keep its own roadbed, and the bed of the road or highway at such crossing, in proper repair, or else to construct and maintain an overhead or undergrade crossing, subject to the approval of the state road commissioner; and the tracks of such railroad or railway at grade crossings shall be so constructed as to give a safe and easy approach to and across the same, and when the construction of such approaches is made necessary by a change in the railroad grade at the grade crossing, the cost shall be upon the railway company.

**§17-16-6. Permit by commission or county/court for openings in or structures on public roads; franchises and easements of oil, etc., transportation companies.**

No opening shall be made in any state or county-district road or highway, nor shall any structure be placed therein or thereover, nor shall any structure, which has been so placed, be changed or removed, except in accordance with a permit from the state road commission or county court, as the case may be. No road or highway shall be dug up for laying or placing pipes, sewers, poles or wires, or for other purposes, and no trees shall be planted or removed or obstructions placed thereon, without the written permit of the commission or county court, or its duly authorized agent, and then only in accordance with the regulations of the commission or court. The work shall be done under the supervision and to the satisfaction of the commission or court; and the entire expense of replacing the highway in as good condition as before shall be paid by the persons to whom the permit was given, or by whom the work was done: **Provided, however,** That nothing herein contained shall be so construed as to prevent any oil or gas company or person having a proper permit or franchise from transporting oil or gasoline along any of the public highways of this State, nor to give such company a franchise without paying to the landowners through whose lands such road passes the usual and customary compensation paid or to be paid to the landowners for such right of way. Any grant or franchise when made shall be construed to give to such company or person only the right to use the easement in such public road.

A violation of any provision of this section shall be a misdemeanor, and the person or corporation violating the same shall, upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars for each offense.

**§17-16-9. Private driveways or approaches to roads; obstruction of ditches.**

The owner or tenant of land fronting on any state road shall construct and keep in repair all approaches or driveways to and from the same, under the direction of the state road commission, and, likewise, the owner or tenant of land fronting on any county-district road shall construct and keep in repair approaches or driveways to and from the same, under the direction of the county road engineer, and it shall be unlawful for such owner or tenant to fill up any ditch, or place any material of any kind or character in any ditch, so as in any manner to obstruct or interfere with the purposes for which it was made.

## SUPPLEMENTARY CONDITIONS

1. The person, firm or corporation to whom a permit is issued agrees to hold the State of West Virginia and DIVISION harmless on account of any damages to persons or property which may arise during the process of the work authorized by this permit or by reason thereof.
2. Applications for permission to perform work within highway rights of way shall be made on DIVISION'S standard permit form and shall be signed by the authorized representative of the person, firm or corporation applying.
3. The APPLICANT shall give detailed information concerning the work to be performed and the application must include a sketch sufficient to show the nature of the work performed.
4. APPLICANT, his agents, successor, heirs or assigns, contractors or any other person, firm or corporation working under APPLICANT'S real or apparent authority, shall perform the work in a manner satisfactory to DIVISION. Damage to the road resulting at any time from work authorized under this permit shall be repaired by APPLICANT. Unsatisfactory repairs may be corrected by DIVISION or its authorized agent and the cost thereof paid by APPLICANT.
5. DIVISION assumes no liability for damage to the proposed work by reason of construction or maintenance work on the road.
6. This permit is granted subject to removal of the authorized installation by APPLICANT at no cost to DIVISION when required for improvement of the road, and subject to all regulations now or hereafter adopted by DIVISION.
7. Utility installation shall be in accordance with the current manual, "Accommodation of Utilities on Highway Right of Way".
8. Driveways shall be in accordance with the current manual, "Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way."
9. DIVISION reserves the right to cancel this permit at any time, should APPLICANT fail to comply with the terms and conditions under which it is granted.
10. This permit is granted only insofar as the DIVISION has a right to do so.