

Morgantown Planning Commission



REGULAR MEETING PACKET

Thursday, May 14, 2020

6:30 p.m.

By Electronic Means

Planning Commissioners:

Peter DeMasters, 6th Ward
President

Carol Pyles, 7th Ward
Vice-President

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Ronald Dulaney, City Councilor

AJ Hammond, Admin.

Development Services Department

Christopher M. Fletcher, AICP, Director

John Whitmore, AICP, Senior Planner

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

Development Services

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Director

Planning Division

John Whitmore, AICP
Senior Planner

389 Spruce Street
Morgantown, WV 26505
304.284.7431

City buildings remain closed to the public to protect public health during the COVID-19 pandemic. Personal attendance at the meeting will not be permitted. The public may participate in the public portions by videoconference at the following Cisco Webex link is:

<https://cityofmorgantown.my.webex.com/meet/cityofmorgantown>;

or, by phone at: 408-418-9388.

The Webex meeting number (access code) is 793 734 477 for both weblink and phone access methods.

All members of the public may view the meeting on Channel 15 and by streaming hosted on the City's website at www.morgantownwv.gov. If you do not wish to speak at the meeting, please view it by these methods to conserve capacity on the videoconference.

Any person who wishes to speak at the meeting may complete the form at: <https://bit.ly/2SF7CtR> or provide their name, phone number they will use to participate, and the specific Case Number and/or General Public Comments listed on the Planning Commission's agenda on which they would like to speak by texting or calling 304-906-7843. You may sign up to speak at any time until the meeting begins. Additionally, the public may submit written comments for the public hearing portions of the meeting by sending an email to the Development Services Department at bmcdonald@morgantownwv.gov. In the email, please use the subject line "Public Comment PC 05/14/2020" and indicate in the body of the email the specific Case Number you wish to address and if you would like your comment to be read aloud during the public hearing portion for that case.

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 March 12, 2020 minutes.

IV. UNFINISHED BUSINESS: None.

V. NEW BUSINESS:

A. RZ20-03 / West Virginia University Hospitals, Inc. / 445 Van Voorhis Road:
Request by Seth Wilson of Bowles Rice, LLP, on behalf of West Virginia University Hospitals, Inc. for a Zoning Map Amendment to reclassify Seventh Ward Tax District, Tax Map 6, Parcel 76.1 and Seventh Ward Tax District, Tax Map 11, Parcel 258, from OI, Office and Institutional District to B-2, Service Business District.



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B. TX20-02 / Administrative / EV Charging Stations: Administrative request to amend Sections 1329.02 and 1331.05 of the Planning and Zoning Code as they relate to Public and Private EV Charging Station uses.

VII. OTHER BUSINESS

A. Committee Reports

- Traffic Commission
- Other Committees

B. Staff Comments

VIII. FOR THE GOOD OF THE COMMISSION

IX. ADJOURNMENT

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Planning Commission Electronic Means Meeting Announcement

Confirming Member Access:

As a preliminary matter, this is **Morgantown Planning Commission President Peter DeMasters**. Permit me to confirm that all Planning Commissioners and persons anticipated on the agenda are present and can hear me.

- Planning Commissioners, when I call your name, please respond in the affirmative.
State each members' name:
 - Vice-President Carol Pyles
 - Commissioner Sam Loretta
 - Commissioner Tim Stranko
 - Commissioner William Blosser
 - Commissioner Bill Petros
 - Commissioner Michael Shuman
 - Council Member Ronald Dulaney
 - Commissioner AJ Hammond

- Staff, when I call your name, please respond in the affirmative.
State each staff members' name:
 - Chris Fletcher, Director of Development Services

- Applicants, when I call your name, please respond in the affirmative.
State each applicants' name:
 - Seth Wilson, Bowles Rice, representing West Virginia University Hospitals, Inc.

Introduction to Electronic Means Meeting:

Good Evening. This meeting of the **Morgantown Planning Commission** is being conducted by electronic means consistent with the West Virginia Open Governmental Proceedings Act and the guidance of the West Virginia Ethics Commission due to the current State of Emergency given the outbreak of the novel coronavirus.

In order to mitigate the transmission of the virus and reduce risk of COVID-19 illness, we have been advised and directed to suspend public gatherings. In keeping with that direction, and the authority provided by the Open Governmental Proceedings Act and the Ethics Commission guidance allowing the conduct of public meetings by electronic means so long as the public is able to observe the meeting, this meeting is being conducted by remote electronic participation and in-person attendance by the public is not permitted.

This meeting will include a public comment portion concerning matters not on the agenda and public hearings for each of the cases listing on this evening's agenda. Members of the public will be permitted to comment during these portions by submitting comments in writing or by speaking during their designated time, if they have signed up to do so prior to the start of the

Planning Commission Electronic Means Meeting Announcement

meeting. Even if members of the public do not provide comment, participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves.

For this meeting, the **Planning Commission** is convening by **Cisco Webex video and telephone conference** as posted on the City's Website identifying how the public may join.

Please note that this meeting is being recorded, and that some attendees are participating by video conference.

Accordingly, please be aware that other people may be able to see you and your video feed, and that you take care not to "screen share" your computer. Anything that you broadcast may be captured by the recording.

All supporting materials that have been provided members of this body are available on the City's website with the Planning Commission meeting packet unless otherwise noted. The public is encouraged to follow along using the posted agenda.

Meeting Business Ground Rules

Before we turn to the first item on the agenda, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

- Please remember to mute your phone or computer when you are not speaking.
- Please remember to wait to be recognized by the President before speaking and to speak clearly and in a way that helps generate accurate minutes.
- For any response, please wait until the President yields the floor to you and state your name before speaking.
- If Planning Commissioners wish to engage in colloquy with other members, please do so through the President, taking care to identify yourself.

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. I will first read, or have read, all written comments submitted, and will then review the list of public commenters who have signed up by the meeting start time. Once I have a list of all public commentators, I will call on each by name. All speakers will be limited to five (5) minutes. If members of the Planning Commission have any questions of the speaker, that time will not be counted toward the speaker's five (5) minutes. Public speakers must state their name and address for the record. Speakers are notified that irrelevant comments or

Planning Commission Electronic Means Meeting Announcement

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. To ensure an accurate record and to aid the preparation of meeting minutes, presenters and Planning Commissioners must first be recognized by the President and state your name before proceeding.
- (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) I will first read, or have read, all written comments submitted, and will then review the list of public commenters who have signed up by the meeting start time.
 - (b) Once I have a list of all public commentators, I will call on each by name. All speakers will be limited to five (5) minutes. If members of the Planning Commission have any questions of the speaker, that time will not be counted toward the speaker's five (5) minutes.
 - (c) Public speakers must state their name and address for the record. 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.
 - (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 Commission Electronic Means Meeting Announcement

Planning Commissioner asks a question. If someone is asked a question, they must first be recognized by the President and identify themselves once again before answering.

- (8) Next, the Planning Commission will discuss and take action on the application.
- (9) Because this public meeting is being conducted by remote electronic participation and to ensure accurate meeting minutes each vote taken during this meeting will be conducted by roll call vote.
- (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.

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MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m.

March 12, 2020

Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, Carol Pyles, Sam Loretta, Tim Stranko, William Blosser, Bill Petros, Michael Shuman, Ronald Dulaney

COMMISSERS ABSENT: None

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 February 13, 2020 meeting minutes. Stranko moved to approve as presented; seconded by. Motion passed unanimously with Petros and Shuman abstaining due to their absence.

IV. UNFINISHED BUSINESS: None.

V. NEW BUSINESS:

A. RZ20-02 / DRS Architects / Ronald McDonald House / 841 Country Club Drive: Request by Paul Cali of DRS Architects on behalf of Ronald McDonald House Charities of Morgantown, Inc. for a Zoning Map Amendment to reclassify property addressed as 841 Country Club Drive from R-1, Single-Family Residential District and R-3, Multi-Family Residential District to B-2, Service Business District. Tax District 15, Tax Map 11, Parcels 90 and 91, R-3, Multi-Family Residential District; Part of Tax Map 12, Parcel 1.1, R-1, Single-Family Residential District.

Fletcher presented the Staff Report and noted the petitioner was present.

Brandon Lucas, attorney for Ronald McDonald House, Paul Cali from DRS Architects, and Jamie Johnson from Alleghany Construction introduced themselves. They thanked the Planning Staff for their guidance on this project. Mr. Johnson reviewed the proposed renovations and expansions to the house including the addition of an elevator for accessibility. New guest rooms, office space etc. would be added. Guest rooms will also be upgraded. The addition to the building will add approximately eleven additional guest rooms, depending on fund raising. Additionally, parking will be expanded to accommodate this.

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

Demasters asked for discussion. Blosser asked about the public right-of-way from Country Club Drive to Med Center Drive and wonders if the City is considering upgrading the rights-of-way in that area as well as the pedestrian walkways. Even with these upgrades there is still foot traffic area in the area from Ronald McDonald House to the Hospital. Fletcher indicated he would pass on the information to City Administration.

Stranko made a motion to recommend to City Council to approve the zoning map amendment as recommended by staff; seconded by Blosser. The motion carried unanimously.

Fletcher advised the petitioner stating that since the recommendation has been made to City Council that he will send the information on their upcoming meetings.

B. MNS20-03 / Fizer / 679 Westview Avenue. Request by David A. Fizer, Executer of Dorothy M. Fizer Estate, for minor subdivision approval of property located at 679 Westview Avenue. Tax District 15, Tax Map 54, Parcel 153, R-1, Single-Family Residential District.

Fletcher presented the Staff Report and noted the petitioner was unable to be present and asked that Staff represent him. There being no 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 asked for staff recommendations, which was read by Fletcher.

Stranko motioned to approve the petition with staff recommended conditions; seconded by Hammond. Motion carried unanimously.

VI. OTHER BUSINESS

A. Committee Reports

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

B. Staff Comments: Fletcher read the announcement at the bottom of the Agenda regarding the Workshop following the meeting and recommended the business meeting be adjoined before the workshop starts.

VII. FOR THE GOOD OF THE COMMISSION: None.

VIII. ADJOURNMENT: Motion made and seconded to adjourn at approximately 6:50 p.m.

MINUTES APPROVED:

COMMISSION SECRETARY:

Christopher M. Fletcher, AICP

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STAFF REPORT

CASE NO: TX20-02 / Administrative / Electric Vehicle Charging Stations

REQUEST:

Administratively requested zoning text amendments to add public and private electric vehicle charging station uses and standards to the Morgantown Planning and Zoning Code. Planning and Zoning Code Sections included are 1329.02 and Table 1331.05.01.

BACKGROUND AND ANALYSIS:

In the late 2000s, electric vehicles (EV) grew from a niche product to a mainstream form of automotive transportation. The popularity of the *Tesla* brand and other limited manufactures of electric vehicles has only increased. Under the previous White House Administration's goal of one million electronic vehicles on the road by 2015, most manufactures provide some form of electric vehicle option, with many traditional internal combustion engine vehicle manufacturers offering more diverse electric passenger models



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In the March 2020 edition of the American Planning Association's *Planning Magazine*, Elaine S. Povich noted in her article titled "Charging Stations Still Too Few and Far Between" that purchases of electric vehicles grew 81% from 2017 to 2018 and that trend is not expected to slow. However, she notes what could stunt growth is the lack of power



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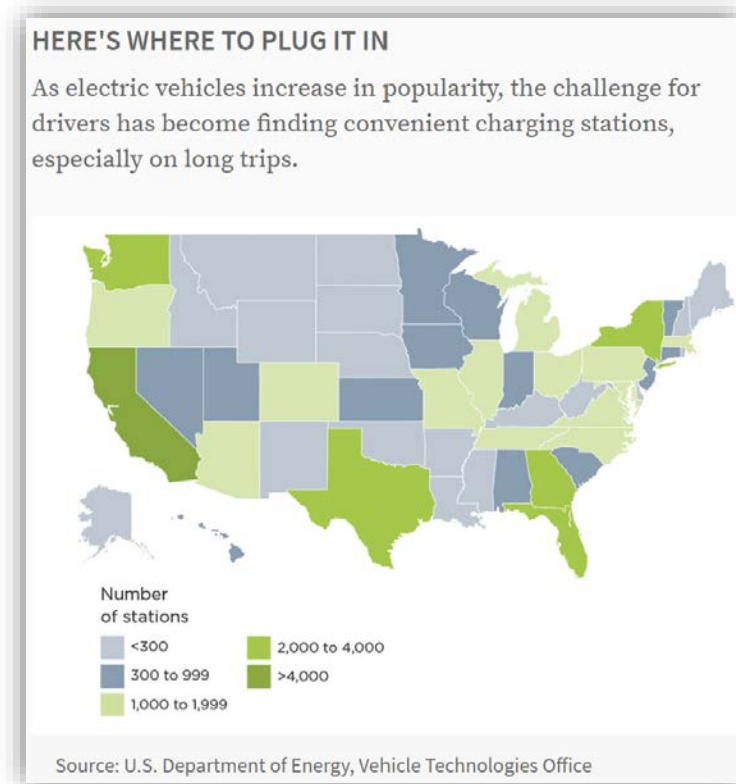
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charging stations across the country. The following image was included in her article illustrating the number of electric charging stations across the country by state.



It appears prudent for Morgantown, like many other communities across the country, to make way for EV supporting infrastructure to develop. Accordingly, steps should be taken to ensure residents and businesses know what is allowed under our Planning and Zoning Code.

In the May/June 2012 edition of the American Planning Association's *Planning Magazine*, sustainability specialist Kim Lundgren advocated in her article titled "Plug-in Stations Come to Town" that cities should include charging infrastructure requirements in their zoning and land-use regulations. Specifically, Lundgren suggested allowing level 1 and level 2 charging stations as an incidental or accessory use and allowing DC fast-charging stations in commercial or industrial zoning districts and as a conditional use in residential zoning districts. This would also require adopting EV-related definitions in the zoning regulations.

Existing technology allows for three (3) levels of electric vehicle charging. Level 1 utilizes a standard 120-volt electric outlet and Level 2 uses a 240-volt outlet. Levels 1 and 2 use alternating current, with conversion occurring to direct current into the vehicle's systems. Levels 1 and 2 generally take hours to have moderate amounts of charge for a routine commuting distance, with Level 1 charging taking in excess of 16-hours for most low-range electric vehicles to have a full recharge.

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The highest level of charging is DC charging, a method for rapid recharging that uses a system to directly input current into the electric vehicle's battery system. DC charging allows for an approximate 30-minute charge time from low battery energy levels to approximately eighty percent (80%) electric vehicle battery capacity. Multiple firms have entered the private marketplace to provide DC charging and Level 2 charging, including *Charge Point*, *Electrify America*, and *EVgo*.

Through a partnership between *Tesla* and *Sheetz*, the City of Morgantown has the area's first *Tesla Supercharger* location at the 21 Asturias Lane Sheetz site (Sheetz No. 604), which includes eight (8) *Tesla* brand specific charging stations available 24/7 (see image below). Additional charging stations are located throughout the community at certain automotive dealerships, hotels, and the *Black Bear Village* development in Granville.



Given the present brand specific nature of some electric vehicle charging stations, such as *Tesla's Superchargers*, *Ford's FordPass Charging Network*, and *GM and Porsche's* affiliation with *Charge Point*, it is anticipated that the City will begin to experience demand for new infrastructure to support personal and commercial EV charging opportunities. Some commercial EV charging providers may also begin to work with local multi-family housing providers to accommodate tenant lower level charging needs.

To prepare for the anticipated need for electric vehicle charging station infrastructure, while providing opportunity for best practices, Staff proposes two (2) classes of electric vehicle charging stations. Appendix A of this report provides staff recommended Planning and Zoning Code text amendments detailing these charging station types and providing their specific application in relevant zoning districts.

STAFF RECOMMENDATION:

Staff advises the Planning Commission to forward a favorable recommendation to City Council to amend the Planning and Zoning Code as presented in Addendum A of this report [new matter underlined] based on the information and findings presented herein.

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STAFF REPORT ADDENDUM A

TX20-02 / Administrative / Electronic Vehicle Charging Stations

ARTICLE 1329

Definitions

1329.02 DEFINITION OF TERMS

EV CHARGING STATION, PRIVATE – A parking space that is served by electric vehicle charging station equipment that has the primary purpose of transferring electric energy (by conductive or inductive means) to a battery or other energy source in an electric vehicle. These accessory uses may be provided to a specific dwelling unit, townhouse dwelling structure, multi-family dwelling structure, nonresidential structure, or business tenant and shall be considered a parking space for the purpose of determining or meeting minimum parking requirements.

EV CHARGING STATION, PUBLIC – A parking space that is served by electric vehicle charging station equipment that has the primary purpose of transferring electric energy (by conductive or inductive means) to a battery or other energy source in an electric vehicle. These accessory uses are provided to the general public and shall not be included in determining or meeting minimum parking requirements.

Table 1331.05.01 Permitted Land Uses

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
<u>EV Charging Station, Private</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>EV Charging Station, Public</u>			<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	