



Development Services
389 Spruce Street
Morgantown, WV 26505
304.24.7431

MEMORANDUM

To: Honorable Members of Morgantown City Council

Cc: A. Kim Haws, City Manager
Emily Muzzarelli, Assistant City Manager
Ryan Simonton, City Attorney
Christine Wade, City Clerk

From: Rickie Yeager, Development Services Director

A handwritten signature in blue ink that reads "Rickie Yeager".

Date: July 22, 2022

Re: Proposed Zoning Map Amendments
RZ22-01 / Hageboeck Holding Company, LLC / 815 Price Street
RZ22-02/ Hageboeck Holding Company, LLC / 305 Glendon Avenue

On May 12, 2022, the Planning Commission held a public hearing to consider the above referenced petitions to rezone 815 Price Street and 305 Glendon Avenue from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family Residential District. Both properties are single-family dwellings with four bedrooms. The property owner is seeking to rezone the properties so the fourth bedroom can be rented. The current zoning designation does not allow more than three unrelated persons to live in a single-family dwelling unit per Section 1329 of the City's Planning and Zoning Code.

After consideration, the Planning Commission unanimously voted to forward a recommendation to Morgantown City Council to deny the above referenced zoning map amendment petitions. If there are no objections, Morgantown City Council may receive and file the Commission's recommendation at its next regularly scheduled meeting on August 2, 2022. Enclosed with this communication is a copy of the applicant's petitions, combined staff report and meeting minutes from the public hearing on May 12th.

If you have any questions, please contact me at 304.284.7413 or by email at ryeager@morgantowv.gov.

Thank you.



OFFICE USE
CASE NO. **RZ22-01**

APPLICATION FOR ZONING MAP AMENDMENT

Fee: Less than one acre = \$250.00 One acre or greater = \$500.00 [Z-RZ]

(PLEASE TYPE OR PRINT IN INK)

I. OWNER / APPLICANT			
Name:	Hageboeck Holding Company, LLC		Phone: 304.545.6045
Mailing Address:	9935 Tudor Court		Mobile: 304.545.6045
	Street	Fishers IN 46037	Email: Charles.hageboeck@gmail.com
	City	State	Zip

II. AGENT / CONTACT INFORMATION			
Name:	Jasmin Patrick - Bel-Cross Properties		Phone: 304.296.7930
Mailing Address:	76 High Street		Mobile: 304.276.4370
	Street	Morgantown WV 26505	Email: jasmin@belcross.com
	City	State	Zip
Mailings:	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		

III. PROPERTY			
Street Address (if assigned):	815 Price Street, Morgantown WV 26505		
Tax Map(s) #:	Parcel(s) #:	Size (sq. ft. or acres):	
Current Zoning Classification:	R-1A	Proposed Zoning Classification:	R-2
Current Land Use:	Single Family	Proposed Land Use*:	

*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.

IV. ATTEST		
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.		
Hageboeck Holding Company, LLC	Jasmin Patrick - Bel-Cross Properties	3-3-2022
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

250.00
Z-RZ
2022-00014725
Kim M. Reid
5/3/2022 1:49:28 PM
Zoning Map Amendment Application
For Deposit Only
City of Morgantown



OFFICE USE
CASE NO. R222-02

APPLICATION FOR ZONING MAP AMENDMENT

Fee: Less than one acre = \$250.00 One acre or greater = \$500.00 [Z-RZ]

(PLEASE TYPE OR PRINT IN INK)

I. OWNER / APPLICANT

Name:	Hageboeck Holding Company, LLC			Phone:	304.545.6045
Mailing Address:	9935 Tudor Court			Mobile:	304.545.6045
	Street	City	State	Zip	Email:
	Fishers	IN		46037	Charles.hageboeck@gmail.com

II. AGENT / CONTACT INFORMATION

Name:	Jasmin Patrick (Bel-Cross Properties)			Phone:	304.296.7930
Mailing Address:	76 High Street			Mobile:	304.276.4370
	Street	City	State	Zip	Email:
	Morgantown	WV		26505	jasmin@belcross.com
Mailings:	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact				

III. PROPERTY

Street Address (if assigned):	305 Glendon Avenue, Morgantown WV 26505				
Tax Map(s) #:	Parcel(s) #:	Size (sq. ft. or acres):			
Current Zoning Classification:	R-1A	Proposed Zoning Classification:	R-2		
Current Land Use:	Single Family	Proposed Land Use*:			

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Hageboeck Holding Company, LLC	Jasmin Patrick	3-3-2022
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

\$250.00
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 2022-00014-95
 KTM NTG:10
 3/3/2022 1:49:23 PM
 Zoning Map Amendment Appl
 For Deposit Only
 City of Morgantown



MORGANTOWN PLANNING COMMISSION

May 12, 2022

6:30 p.m.

City Council Chambers | City Hall – 389 Spruce Street

COMBINED STAFF REPORT

President:

Peter DeMasters, 6th Ward

Vice-President:

Sam Loretta, 1st Ward

Planning Commissioners:

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Danielle Trumble, City Council

AJ Hammond, City Admin.

Vacant

CASE NO: RZ22-01 / Hageboeck Holding Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holding Company, LLC / 305 Glendon Avenue

REQUEST and LOCATION:

Request by Jasmin Patrick of Bel-Cross Properties on behalf of the property owner

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

City Tax District 13, Tax Map 26, Parcels 183 and 186, R-1A, Single-Family Residential District.

SURROUNDING ZONING:

North, South and West: R-1A, Single-Family Residential District and R-2, Single-Family and Two-Family Residential District

East: R-1A, Single-Family Residential District

BACKGROUND:

The applicant manages the above referenced rental property. The properties are registered with the City as single-family (rental) dwellings with four bedrooms, three occupants and has an active Letter of Compliance on file with the Code Enforcement Division. Addendum A of the report shows the subject sites and where they are located in the R-1A District.

The rental properties are permitted in the R-1A District, because of the following exception regarding the definition of 'family' in Section 1329 of the City's Codified Ordinances:

(6)(a) Occupancy for legal, pre-existing, non-conforming dwelling units in single-family residential zoning districts shall be no more than three unrelated persons and any children related to either of them by blood, marriage, or legal adoption.

Note, only single-family dwellings are permitted in a R-1A District.

In a R-2 District, single-family dwellings, townhouses, and two-family dwellings are permitted by right in accordance with the City's Permitted Land Use Table (Table 1331.05.01). Mixed-use, multi-family, and lodging/rooming houses are allowed as a 'conditional use' subject to review and approval by the City's Board of Zoning Appeals. Additionally, the definition of 'family' and restrictions associated therewith do not apply to the R-2 District. Please see the code excerpt below:

(b) Within all other zoning districts, dwelling unit occupancy will be determined by the West Virginia State Building Code as adopted and implemented by the City.

Development Services

Rickie Yeager, AICP
Director

Rodney Bohner
Senior Planner

Planning Division

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Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Danielle Trumble, City Council

AJ Hammond, City Admin.

Vacant

ANALYSIS (COMPREHESIVE PLAN CONCURRENCE):

As recommended in Chapter 9 "Implementation" of the 2013 Comprehensive Plan Update, Addendum B of this report identifies how the proposed zoning map amendments relate to the Plan's pattern and character, conceptual growth framework, and land management maps. More specifically, please note the following:

Pattern and Character Map:

The properties are identified as 'University' in the Pattern and Character Map. University is defined in the plan as a district that *contains the campuses of West Virginia University, including Downtown, Evansdale, Law School, Health Sciences Campus, and Athletic Department Campuses. Building size and their relationships to each other and to streets vary but the districts are generally walkable, This district does not include the University's agricultural campuses (which are considered rural in character).*

Conceptual Growth Framework Map:

The properties are located in an area where growth is generally encouraged, as well as infill and redevelopment.

Land Management Map:

Looking forward, the Land Management Map continued to associate the properties closely with West Virginia University. More specifically, the concept area is defined as 'WVU Campus Development' in the plan and the following development types are generally considered appropriate in said district (pattern and character map):

- Two-family residential
- Multi-family residential
- Civic and Institutional
- Neighborhood Center Mixed-Use
- Urban Center Mixed-use
- Office/Research
- Limited Industrial
- Greenspace

While the plan in 2013 may have envisioned the expansion of housing facilities in this area, Parcels 183 and 186 were never owned by or associated with West Virginia University. What is clear is that Price Street and Waverly Street were identified as boundary lines for the WVU Campus Development District and Neighborhood Revitalization District per the Land Management Map. Both districts encourage multiple development typologies that are context sensitive.

STAFF RECOMMENDATION:

After review, staff finds the proposed zoning map amendment to be consistent with the City's Comprehensive Plan – Land Management Map/Plan and the principles associated therewith. Staff further recommends that the properties be rezoned from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family District.

Development Services

Rickie Yeager, AICP
Director

Rodney Bohner
Senior Planner

Planning Division

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STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Staff Enhanced Site Map



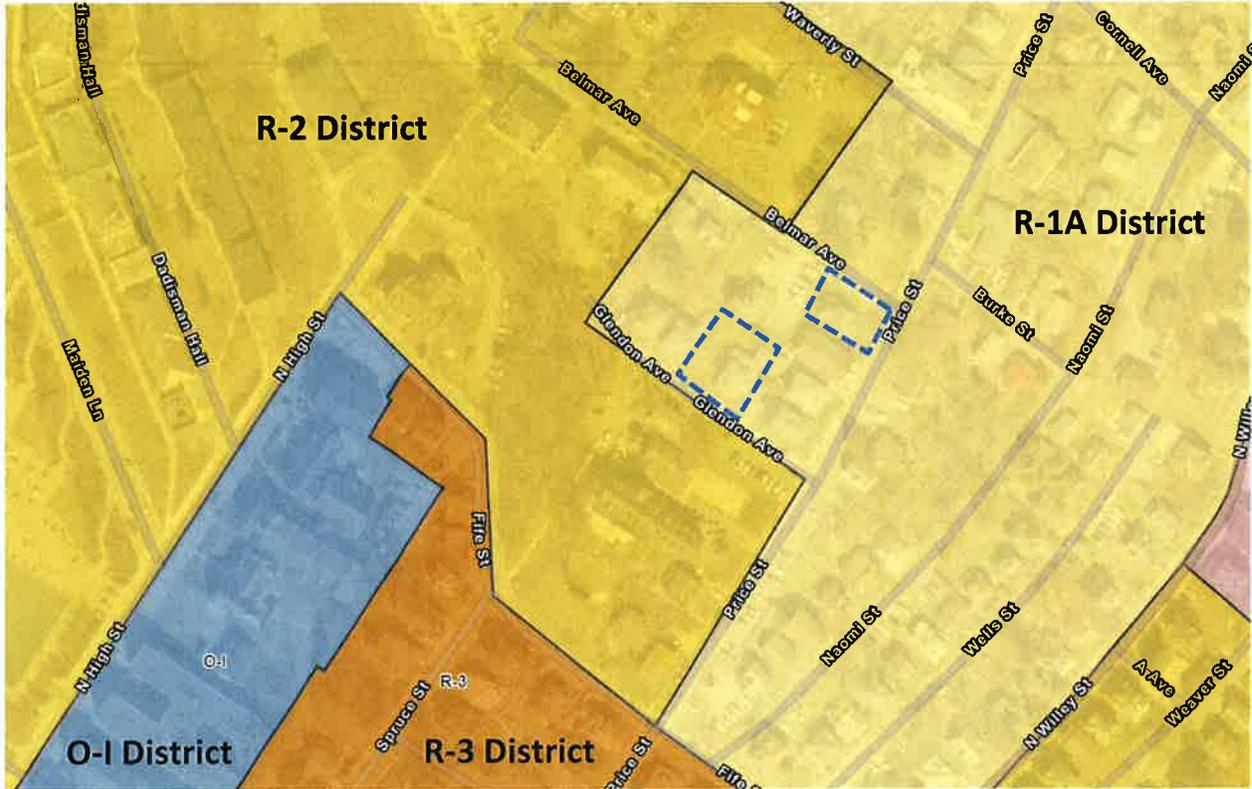
Source: Monongalia County Parcel Viewer Map

Staff Enhanced Zoning Map

STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue



Approximate boundaries for Parcels 183 and 186

Source: City of Morgantown Zoning Map

STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Street View of Parcel 183 (815 Price Street)



Street View of Parcel 183 (Glendon Avenue)



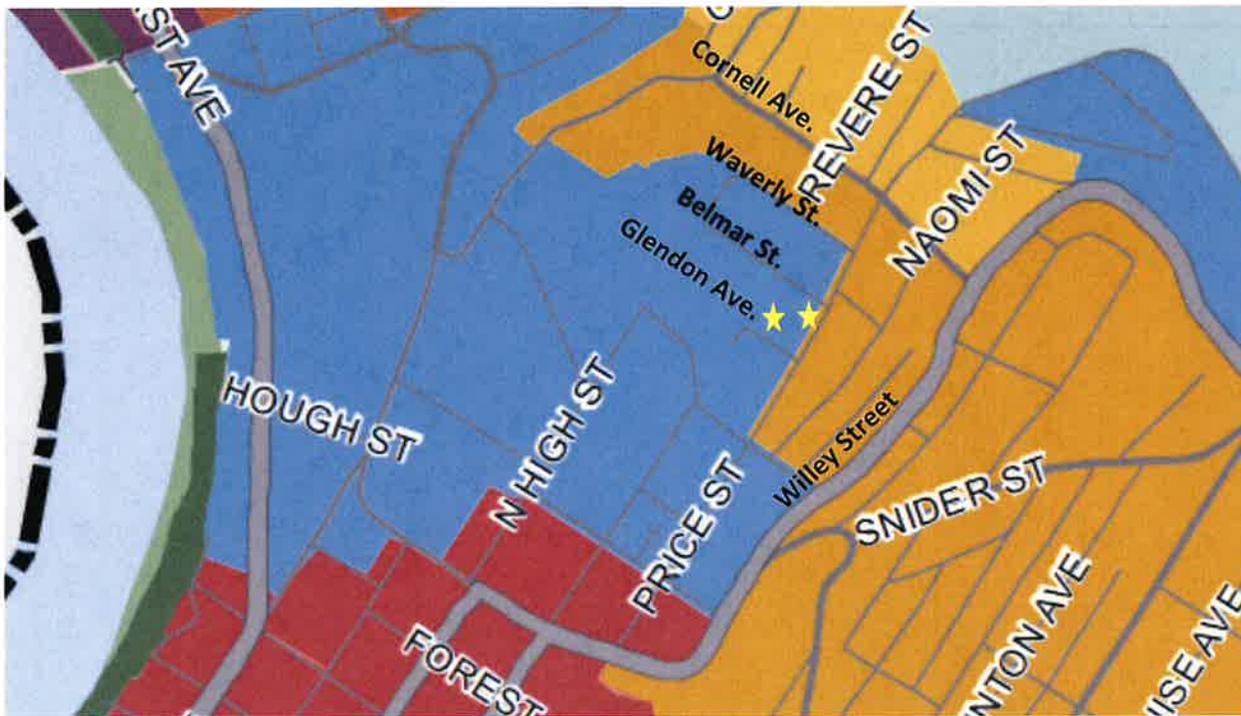
Source: Google Maps

STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Staff Enhanced Character and Pattern Map (2013)



★ Approximate location of Parcels 183 ad 186.

- Core
- Neighborhood 1
- Neighborhood 2
- Neighborhood 3
- Neighborhood 4
- Commercial Node
- University
- Office / Institutional / Industrial Campus
- Civic Campus
- Special District
- Commercial Corridor
- Urban Corridor
- Neighborhood Corridor
- Mountain / Valley Corridor
- Rural
- Natural
- Park
- Roads
- Water Bodies
- Morgantown Boundary
- Study Area

STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Staff Enhanced Conceptual Growth Framework Map (2013)



Approximate location of Parcels 183 and 186



Encouraged Growth



Infill and Redevelopment



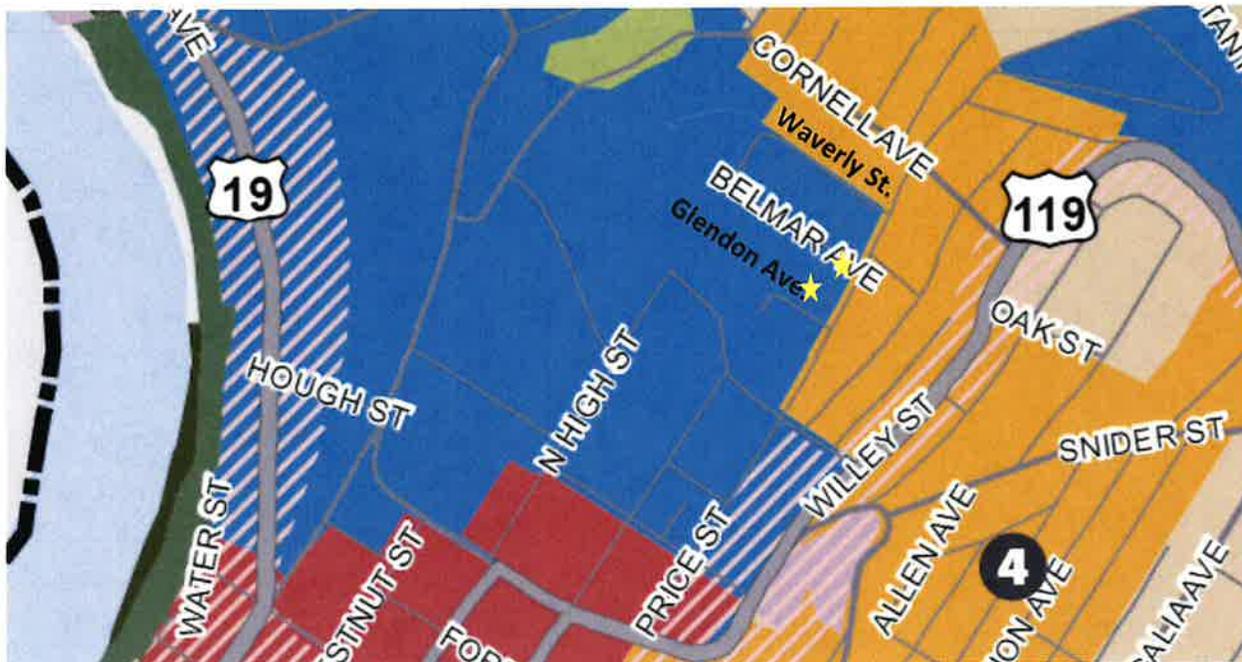
Controlled Growth

STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Staff Enhanced Land Management Map (2013)



★ Approximate location of Parcels 183 and 186.

- Preserve
- Reserve
- Limited Growth
- Neighborhood Conservation
- Downtown Enhancement
- Corridor Enhancement
- WVU Campus Development
- Neighborhood Revitalization
- Infill and Redevelopment
- Encouraged Growth
- Controlled Growth/Traditional Neighborhood Area
- Developed Areas
- Roads
- Water Bodies
- Morgantown Boundary
- Study Area

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m.

May 12, 2022

Council Chambers

COMMISSIONERS PRESENT: Pete DeMasters, William Blosser, AJ Hammond, Tim Stranko, Danielle Trumble and Bill Petros

COMMISSIONERS ABSENT: Mike Shuman

STAFF PRESENT: Rodney Bohner, City Planner

CALL TO ORDER/ROLL CALL: The meeting to order at 6:30 p.m. Mr. DeMasters asked if it was ok to bypass reading of the pre meeting announcement. All in favor.

I. PUBLIC COMMENT: None.

II. MATTERS OF BUSINESS: Approval of meeting minutes of February 10, 2022 and April 18, 2022. Motion and second to approve as presented. All in favor, minutes approved.

III. UNFINISHED BUSINESS: None

IV. NEW BUSINESS:

- A. RZ22-01 / Hageboeck Holding Co., LLC / 815 Price Street:** Request by Jasmin Patrick on behalf of Hageboeck Holding Co., LLC for a Zoning Map Amendment to rezone Tax District 13, Map 26, Parcel 183 from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two- Family Residential District.

Bohner presented the combined staff reports for RZ22-01 and RZ22-02 and noted the petitioner was present.

STAFF RECOMMENDATION:

After review, staff finds the proposed zoning map amendment to be consistent with the City's Comprehensive Plan – Land Management Map/Plan and the principles associated therewith. Staff further recommends that the properties be rezoned from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family District.

DeMasters asked for clarity on the current zoning. Bohner again reviewed the slides showing the current zoning and proposed changes.

Jasmine, representing Bel Cross Properties discussed the zoning request. The property owner owns the surrounding properties in addition to these. She stated that the reason for the change in zoning is because they would like to rent to an additional tenant. Current City Code will only allow three tenants, even though there are four bedrooms in the homes. Bel Cross Properties also own the parking lot across the street so parking would not be an issue. She reconfirmed that there would be no structural changes whatsoever, only the safety requirements with the Code Enforcement Office.

Public hearing was opened. No one present in favor.

Don Elfenbein, who lives on Cornell Avenue. He stated that they have lived and worked in Morgantown since the 1980's. He opposes the rezoning of this property. Some issues he mentioned include increased traffic, increased noise, other unsightly property issues. He states that the purpose of the zoning ordinance in place now is to protect the single-family residential areas and to protect the character of existing development. He states that he is afraid if this is granted, other property owners will want to follow suit. He feels that if the property owners want a multifamily rental they need to buy property in a zoning area where it is allowed.

Carol Becilla spoke in opposition, agreeing with the previous speaker. She lives at 831 Price Street and has lived there for thirty years. She does not want to change from R1A. Ms. Becilla states that this will be a negative impact on her neighborhood. She feels that this is an issue that does not need to keep being revisited. Mr. Becilla is also present and has a petition.

Mark Becilla, 831 Price Street. He presented a list of concerned residences to Mr. DeMasters. He states that he has lived on this street all of his life. The previous owners of the property kept the property up well and had good tenants. He is hoping that Bel Cross can live up to this standard. He referenced the Land Management Map of 2013. He does not feel that WVU is planning to expand into this area. Mr. Becilla doesn't believe that just because a house has four bedrooms, doesn't mean they all need to be used as an actual bedroom. There are many other uses that would not require rezoning. He states that all the residents value their neighborhood on the hill and would like it to remain unchanged.

Mr. DeMasters stated he would keep the petition for the record.

Arthur Twigg, 909 Brown Street. The owner of the property is Irene Twigg, the eldest person on the hill at 96. Mr. Twigg states that she no longer drives due to traffic issues created all the rentals in the area. He believes that rezoning would be an issue because the current homeowners living in the area will be penalized.

DeMasters asked for questions. Mr. Eifenbein asked about the staff recommendation. Mr. DeMasters noted that we will not cross examine the Planner and that the staff recommendation stands.

Mr. Stranko noted the speakers were all well-spoken and referenced the Land Management Map. Stranko states it does not trump the zoning code. He went on to discuss the second ward and what happened as this neighborhood was rezoned.

Danielle Trumble noted that this happened in her neighborhood as well. She states that she is also not in favor of the rezoning.

Mr. Hammond also agrees with the other commissioners, and also notes that he is not in favor of spot zoning.

Stranko asked if the application is denied, would it be referred to City Council. DeMasters noted that yes it would be a recommendation to Council to deny.

DeMasters talked about the desire of homeowners to make more money and completely understands that. He believes that we have zoning for a reason and this is zoned R-1A. He states he would look at this request more favorably if it were to do the entire neighborhood and not just a couple properties. He also does not believe in spot zoning.

Regarding RZ22-01 Stranko moved to forward the application to City Council with the recommendation of denial, seconded by Blosser. The vote was unanimous.

- B. RZ22-02 / Hageboeck Holding Co., LLC / 305 Glendon Avenue:** Request by Jasmin Patrick on behalf of Hageboeck Holding Co., LLC for a Zoning Map Amendment to rezone Tax District 13, Tax Map 26, Parcel 186 from a R-1A, Single-Family District to a R-2, Single-Family and Two-Family Residential District.

Regarding RZ22-02 Stranko moved to forward the application to City Council with the recommendation of denial, seconded by Blosser. The vote was unanimous.

- C. MJS22-01 / R&R Holdings 3, LLC / 1345 Van Voorhis Road.** Application for a Major Subdivision of City Tax District 15, Tax Map 54, Parcels 163, 164 and 165 at Van Voorhis Rd and Southview Street.

Bohner presented the staff report and noted the petitioner was present.

Devon Shrewsbury, Ascent Consulting and Engineering. She stated she has been working with MUB and hopes to have approval before the public hearing. In regard to the public street, it will be public, but a name has not been decided upon.

Shrewsbury says that she will present the plans and the client is working with her attorney to amend the restrictions to adhere to the R-1 district requirements.

DeMaster's noted that if they did not have all the materials together by June 9, it could always push to the July meeting.

Trumble asked about public street and if it would convey to the City for maintenance. Shrewsbury noted that she believes this is the plan.

Petros asked about the stormwater management. Shrewsbury explained the process she is working with MUB to establish. Petros is expecting comments from residents based on the history of flooding in this area. Stranko asked about conveying the stormwater system to the city. Shrewsbury noted that there will be a maintenance agreement with MUB. DeMaster's asked about the reduction requirements and Shrewsbury noted that they are 1, 2, 10 and 50 for MUB.

Blosser asked about sidewalks. Currently there are none, but in the future they may be added with the improvement processes.

Petros asked about Van Voorhis improvement process. Bohner noted that is a state road and he is not sure of the specifics of the project. Shrewsbury noted there is a landscape buffer to help to accommodate this.

Public hearing was opened and closed being none present.

STAFF RECOMMENDATION:

After review, staff recommends that the Planning Commission accept the applicant's proposed major subdivision application and schedule a public hearing to consider the matter on Thursday, June 9, 2022, at 6:30 p.m. in the City Council Chambers (389 Spruce Street) in accordance with the Commission's regular meeting schedule for 2020, provided the following conditions are met:

1. All the deficiencies listed above are addressed (resolved) and new documents (where appropriate) are submitted to the Dev. Services Department for distribution to the Planning Commission and appropriate staff.
2. Staff schedules a Technical Review Committee meeting with appropriate City agencies to review the proposed major subdivision. Any additional deficiencies discovered shall be addressed prior to the public hearing. Comments from the Technical Review Committee meeting will be presented at the public hearing on June 9, 2022.

Stranko moved to accept the application and schedule a public hearing on June 9 at 6:30. Seconded by Blosser. Vote was unanimous.

VI. OTHER BUSINESS:

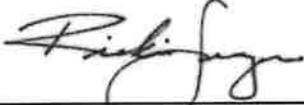
A. Committee Reports- None.

B. Staff Comments- Bohner thanked the committee for having him. Trumble asked again for the meeting minutes to be posted online. Stranko asked about Carol Pyles acknowledgement. Trumble noted that the City Clerks office had been working with Rickie Yeager to make this happen.

VII. ADJOURNMENT: Meeting adjourned at 7:25

MINUTES APPROVED: July 14, 2022

COMMISSION SECRETARY:



Rickie Yeager, AICP



Development Services
389 Spruce Street
Morgantown, WV 26505
304.24.7431

MEMORANDUM

To: Honorable Members of Morgantown City Council

Cc: A. Kim Haws, City Manager
Emily Muzzarelli, Assistant City Manager
Ryan Simonton, City Attorney
Christine Wade, City Clerk

From: Rickie Yeager, Development Services Director

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Date: July 22, 2022

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*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.

IV. ATTEST

I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.

Hageboeck Holding Company, LLC	Jasmin Patrick	3-3-2022
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

\$250.00
 Z-RZ
 2022-0014-95
 KTM NTG:10
 3/3/2022 1:49:23 PM
 Zoning Map Amendment Appl. Fee
 For Deposit Only
 City of Morgantown



MORGANTOWN PLANNING COMMISSION

May 12, 2022

6:30 p.m.

City Council Chambers | City Hall – 389 Spruce Street

COMBINED STAFF REPORT

President:

Peter DeMasters, 6th Ward

Vice-President:

Sam Loretta, 1st Ward

Planning Commissioners:

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Danielle Trumble, City Council

AJ Hammond, City Admin.

Vacant

CASE NO: RZ22-01 / Hageboeck Holding Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holding Company, LLC / 305 Glendon Avenue

REQUEST and LOCATION:

Request by Jasmin Patrick of Bel-Cross Properties on behalf of the property owner

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

City Tax District 13, Tax Map 26, Parcels 183 and 186, R-1A, Single-Family Residential District.

SURROUNDING ZONING:

North, South and West: R-1A, Single-Family Residential District and R-2, Single-Family and Two-Family Residential District

East: R-1A, Single-Family Residential District

BACKGROUND:

The applicant manages the above referenced rental property. The properties are registered with the City as single-family (rental) dwellings with four bedrooms, three occupants and has an active Letter of Compliance on file with the Code Enforcement Division. Addendum A of the report shows the subject sites and where they are located in the R-1A District.

The rental properties are permitted in the R-1A District, because of the following exception regarding the definition of 'family' in Section 1329 of the City's Codified Ordinances:

(6)(a) Occupancy for legal, pre-existing, non-conforming dwelling units in single-family residential zoning districts shall be no more than three unrelated persons and any children related to either of them by blood, marriage, or legal adoption.

Note, only single-family dwellings are permitted in a R-1A District.

In a R-2 District, single-family dwellings, townhouses, and two-family dwellings are permitted by right in accordance with the City's Permitted Land Use Table (Table 1331.05.01). Mixed-use, multi-family, and lodging/rooming houses are allowed as a 'conditional use' subject to review and approval by the City's Board of Zoning Appeals. Additionally, the definition of 'family' and restrictions associated therewith do not apply to the R-2 District. Please see the code excerpt below:

(b) Within all other zoning districts, dwelling unit occupancy will be determined by the West Virginia State Building Code as adopted and implemented by the City.

Development Services

Rickie Yeager, AICP
Director

Rodney Bohner
Senior Planner

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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AJ Hammond, City Admin.

Vacant

ANALYSIS (COMPREHESIVE PLAN CONCURRENCE):

As recommended in Chapter 9 "Implementation" of the 2013 Comprehensive Plan Update, Addendum B of this report identifies how the proposed zoning map amendments relate to the Plan's pattern and character, conceptual growth framework, and land management maps. More specifically, please note the following:

Pattern and Character Map:

The properties are identified as 'University' in the Pattern and Character Map. University is defined in the plan as a district that *contains the campuses of West Virginia University, including Downtown, Evansdale, Law School, Health Sciences Campus, and Athletic Department Campuses. Building size and their relationships to each other and to streets vary but the districts are generally walkable, This district does not include the University's agricultural campuses (which are considered rural in character).*

Conceptual Growth Framework Map:

The properties are located in an area where growth is generally encouraged, as well as infill and redevelopment.

Land Management Map:

Looking forward, the Land Management Map continued to associate the properties closely with West Virginia University. More specifically, the concept area is defined as 'WVU Campus Development' in the plan and the following development types are generally considered appropriate in said district (pattern and character map):

- Two-family residential
- Multi-family residential
- Civic and Institutional
- Neighborhood Center Mixed-Use
- Urban Center Mixed-use
- Office/Research
- Limited Industrial
- Greenspace

While the plan in 2013 may have envisioned the expansion of housing facilities in this area, Parcels 183 and 186 were never owned by or associated with West Virginia University. What is clear is that Price Street and Waverly Street were identified as boundary lines for the WVU Campus Development District and Neighborhood Revitalization District per the Land Management Map. Both districts encourage multiple development typologies that are context sensitive.

STAFF RECOMMENDATION:

After review, staff finds the proposed zoning map amendment to be consistent with the City's Comprehensive Plan – Land Management Map/Plan and the principles associated therewith. Staff further recommends that the properties be rezoned from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family District.

Development Services

Rickie Yeager, AICP
Director

Rodney Bohner
Senior Planner

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Staff Enhanced Site Map



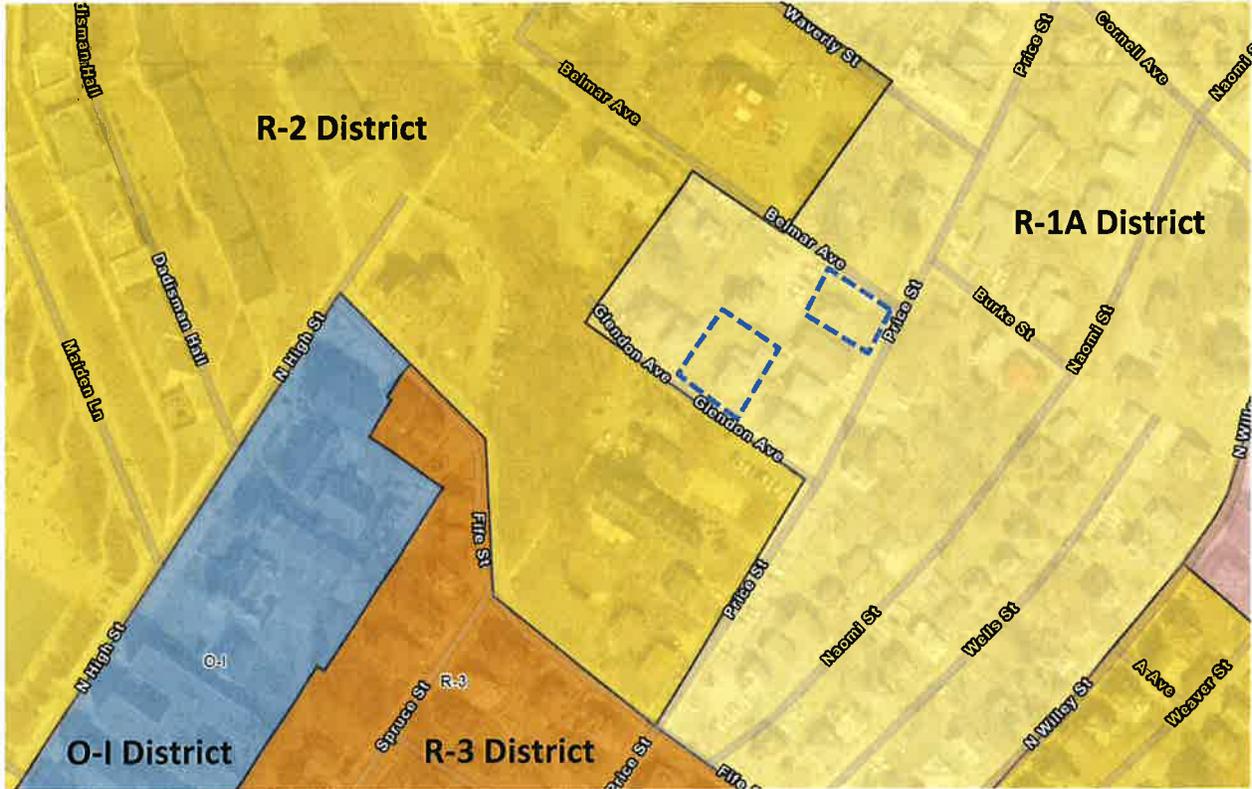
Source: *Monongalia County Parcel Viewer Map*

Staff Enhanced Zoning Map

STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue



Approximate boundaries for Parcels 183 and 186

Source: City of Morgantown Zoning Map

STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Street View of Parcel 183 (815 Price Street)



Street View of Parcel 183 (Glendon Avenue)



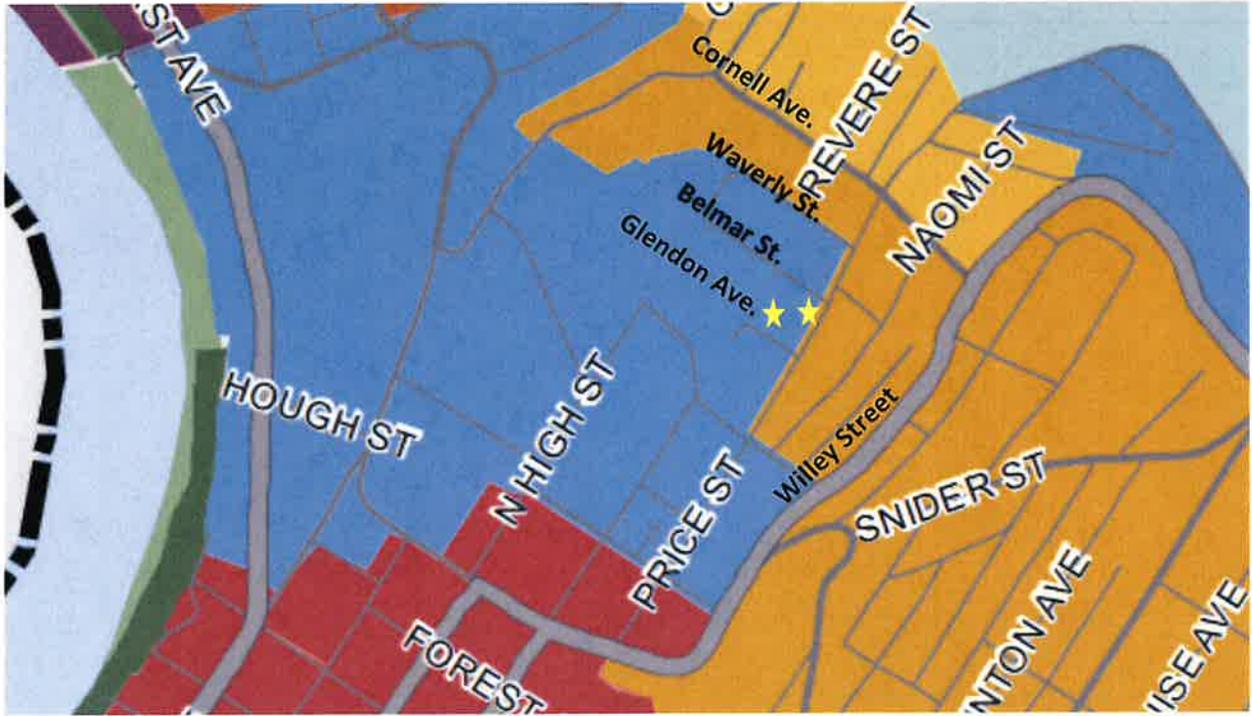
Source: Google Maps

STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Staff Enhanced Character and Pattern Map (2013)



★ Approximate location of Parcels 183 ad 186.

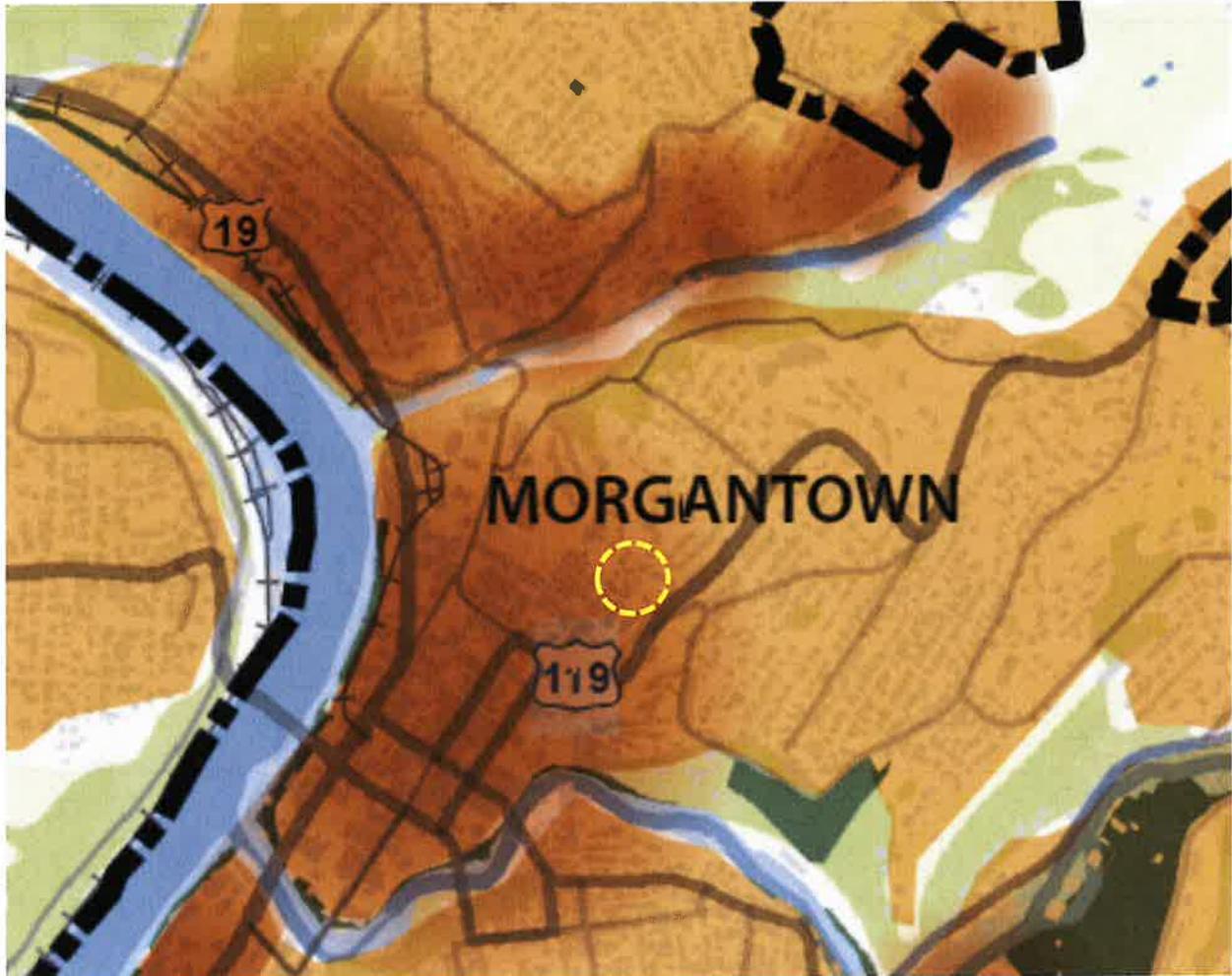
- Core
- Neighborhood 1
- Neighborhood 2
- Neighborhood 3
- Neighborhood 4
- Commercial Node
- University
- Office / Institutional / Industrial Campus
- Civic Campus
- Special District
- Commercial Corridor
- Urban Corridor
- Neighborhood Corridor
- Mountain / Valley Corridor
- Rural
- Natural
- Park
- Roads
- Water Bodies
- Morgantown Boundary
- Study Area

STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Staff Enhanced Conceptual Growth Framework Map (2013)



Approximate location of Parcels 183 and 186



Encouraged Growth



Infill and Redevelopment



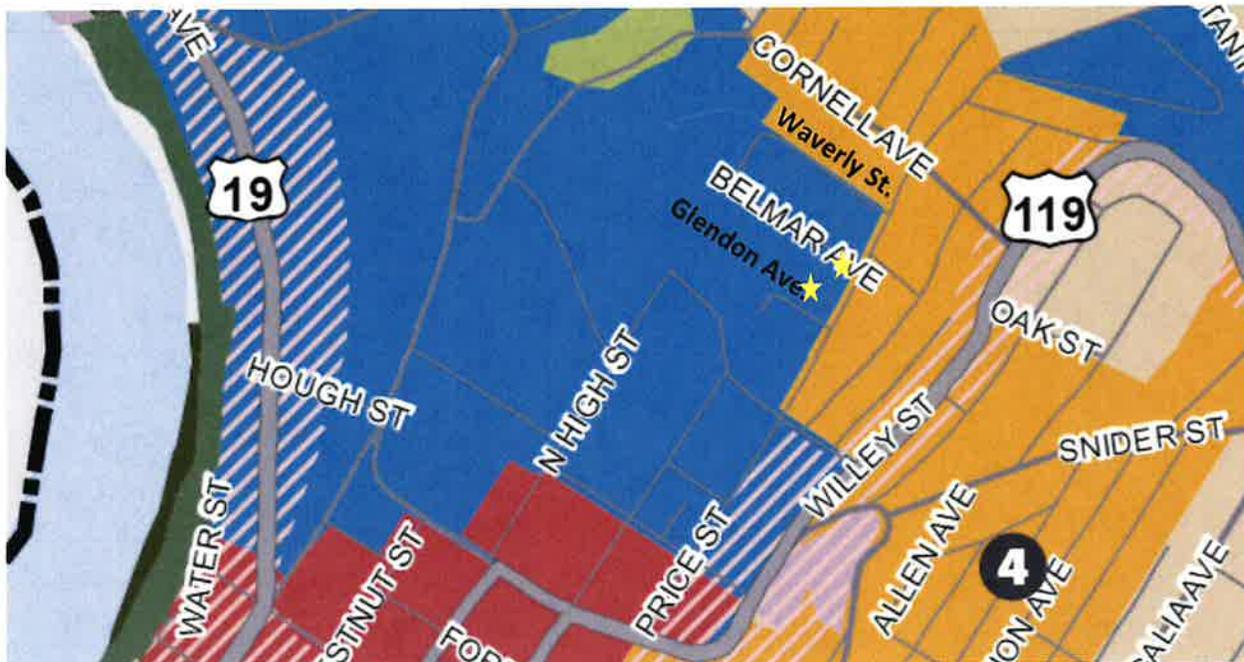
Controlled Growth

STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Staff Enhanced Land Management Map (2013)



★ Approximate location of Parcels 183 and 186.

- Preserve
- Reserve
- Limited Growth
- Neighborhood Conservation
- Downtown Enhancement
- Corridor Enhancement
- WVU Campus Development
- Neighborhood Revitalization
- Infill and Redevelopment
- Encouraged Growth
- Controlled Growth/Traditional Neighborhood Area
- Developed Areas
- Roads
- Water Bodies
- Morgantown Boundary
- Study Area

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m.

May 12, 2022

Council Chambers

COMMISSIONERS PRESENT: Pete DeMasters, William Blosser, AJ Hammond, Tim Stranko, Danielle Trumble and Bill Petros

COMMISSIONERS ABSENT: Mike Shuman

STAFF PRESENT: Rodney Bohner, City Planner

CALL TO ORDER/ROLL CALL: The meeting to order at 6:30 p.m. Mr. DeMasters asked if it was ok to bypass reading of the pre meeting announcement. All in favor.

I. PUBLIC COMMENT: None.

II. MATTERS OF BUSINESS: Approval of meeting minutes of February 10, 2022 and April 18, 2022. Motion and second to approve as presented. All in favor, minutes approved.

III. UNFINISHED BUSINESS: None

IV. NEW BUSINESS:

- A. RZ22-01 / Hageboeck Holding Co., LLC / 815 Price Street:** Request by Jasmin Patrick on behalf of Hageboeck Holding Co., LLC for a Zoning Map Amendment to rezone Tax District 13, Map 26, Parcel 183 from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two- Family Residential District.

Bohner presented the combined staff reports for RZ22-01 and RZ22-02 and noted the petitioner was present.

STAFF RECOMMENDATION:

After review, staff finds the proposed zoning map amendment to be consistent with the City's Comprehensive Plan – Land Management Map/Plan and the principles associated therewith. Staff further recommends that the properties be rezoned from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family District.

DeMasters asked for clarity on the current zoning. Bohner again reviewed the slides showing the current zoning and proposed changes.

Jasmine, representing Bel Cross Properties discussed the zoning request. The property owner owns the surrounding properties in addition to these. She stated that the reason for the change in zoning is because they would like to rent to an additional tenant. Current City Code will only allow three tenants, even though there are four bedrooms in the homes. Bel Cross Properties also own the parking lot across the street so parking would not be an issue. She reconfirmed that there would be no structural changes whatsoever, only the safety requirements with the Code Enforcement Office.

Public hearing was opened. No one present in favor.

Don Eifenbein, who lives on Cornell Avenue. He stated that they have lived and worked in Morgantown since the 1980's. He opposes the rezoning of this property. Some issues he mentioned include increased traffic, increased noise, other unsightly property issues. He states that the purpose of the zoning ordinance in place now is to protect the single-family residential areas and to protect the character of existing development. He states that he is afraid if this is granted, other property owners will want to follow suit. He feels that if the property owners want a multifamily rental they need to buy property in a zoning area where it is allowed.

Carol Becilla spoke in opposition, agreeing with the previous speaker. She lives at 831 Price Street and has lived there for thirty years. She does not want to change from R1A. Ms. Becilla states that this will be a negative impact on her neighborhood. She feels that this is an issue that does not need to keep being revisited. Mr. Becilla is also present and has a petition.

Mark Becilla, 831 Price Street. He presented a list of concerned residences to Mr. DeMasters. He states that he has lived on this street all of his life. The previous owners of the property kept the property up well and had good tenants. He is hoping that Bel Cross can live up to this standard. He referenced the Land Management Map of 2013. He does not feel that WVU is planning to expand into this area. Mr. Becilla doesn't believe that just because a house has four bedrooms, doesn't mean they all need to be used as an actual bedroom. There are many other uses that would not require rezoning. He states that all the residents value their neighborhood on the hill and would like it to remain unchanged.

Mr. DeMasters stated he would keep the petition for the record.

Arthur Twigg, 909 Brown Street. The owner of the property is Irene Twigg, the eldest person on the hill at 96. Mr. Twigg states that she no longer drives due to traffic issues created all the rentals in the area. He believes that rezoning would be an issue because the current homeowners living in the area will be penalized.

DeMasters asked for questions. Mr. Eifenbein asked about the staff recommendation. Mr. DeMasters noted that we will not cross examine the Planner and that the staff recommendation stands.

Mr. Stranko noted the speakers were all well-spoken and referenced the Land Management Map. Stranko states it does not trump the zoning code. He went on to discuss the second ward and what happened as this neighborhood was rezoned.

Danielle Trumble noted that this happened in her neighborhood as well. She states that she is also not in favor of the rezoning.

Mr. Hammond also agrees with the other commissioners, and also notes that he is not in favor of spot zoning.

Stranko asked if the application is denied, would it be referred to City Council. DeMasters noted that yes it would be a recommendation to Council to deny.

DeMasters talked about the desire of homeowners to make more money and completely understands that. He believes that we have zoning for a reason and this is zoned R-1A. He states he would look at this request more favorably if it were to do the entire neighborhood and not just a couple properties. He also does not believe in spot zoning.

Regarding RZ22-01 Stranko moved to forward the application to City Council with the recommendation of denial, seconded by Blosser. The vote was unanimous.

- B. RZ22-02 / Hageboeck Holding Co., LLC / 305 Glendon Avenue:** Request by Jasmin Patrick on behalf of Hageboeck Holding Co., LLC for a Zoning Map Amendment to rezone Tax District 13, Tax Map 26, Parcel 186 from a R-1A, Single-Family District to a R-2, Single-Family and Two-Family Residential District.

Regarding RZ22-02 Stranko moved to forward the application to City Council with the recommendation of denial, seconded by Blosser. The vote was unanimous.

- C. MJS22-01 / R&R Holdings 3, LLC / 1345 Van Voorhis Road.** Application for a Major Subdivision of City Tax District 15, Tax Map 54, Parcels 163, 164 and 165 at Van Voorhis Rd and Southview Street.

Bohner presented the staff report and noted the petitioner was present.

Devon Shrewsbury, Ascent Consulting and Engineering. She stated she has been working with MUB and hopes to have approval before the public hearing. In regard to the public street, it will be public, but a name has not been decided upon.

Shrewsbury says that she will present the plans and the client is working with her attorney to amend the restrictions to adhere to the R-1 district requirements.

DeMaster's noted that if they did not have all the materials together by June 9, it could always push to the July meeting.

Trumble asked about public street and if it would convey to the City for maintenance. Shrewsbury noted that she believes this is the plan.

Petros asked about the stormwater management. Shrewsbury explained the process she is working with MUB to establish. Petros is expecting comments from residents based on the history of flooding in this area. Stranko asked about conveying the stormwater system to the city. Shrewsbury noted that there will be a maintenance agreement with MUB. DeMaster's asked about the reduction requirements and Shrewsbury noted that they are 1, 2, 10 and 50 for MUB.

Blosser asked about sidewalks. Currently there are none, but in the future they may be added with the improvement processes.

Petros asked about Van Voorhis improvement process. Bohner noted that is a state road and he is not sure of the specifics of the project. Shrewsbury noted there is a landscape buffer to help to accommodate this.

Public hearing was opened and closed being none present.

STAFF RECOMMENDATION:

After review, staff recommends that the Planning Commission accept the applicant's proposed major subdivision application and schedule a public hearing to consider the matter on Thursday, June 9, 2022, at 6:30 p.m. in the City Council Chambers (389 Spruce Street) in accordance with the Commission's regular meeting schedule for 2020, provided the following conditions are met:

1. All the deficiencies listed above are addressed (resolved) and new documents (where appropriate) are submitted to the Dev. Services Department for distribution to the Planning Commission and appropriate staff.
2. Staff schedules a Technical Review Committee meeting with appropriate City agencies to review the proposed major subdivision. Any additional deficiencies discovered shall be addressed prior to the public hearing. Comments from the Technical Review Committee meeting will be presented at the public hearing on June 9, 2022.

Stranko moved to accept the application and schedule a public hearing on June 9 at 6:30. Seconded by Blosser. Vote was unanimous.

VI. OTHER BUSINESS:

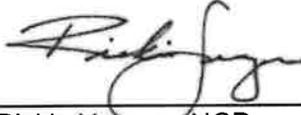
A. Committee Reports- None.

B. Staff Comments- Bohner thanked the committee for having him. Trumble asked again for the meeting minutes to be posted online. Stranko asked about Carol Pyles acknowledgement. Trumble noted that the City Clerks office had been working with Rickie Yeager to make this happen.

VII. ADJOURNMENT: Meeting adjourned at 7:25

MINUTES APPROVED: July 14, 2022

COMMISSION SECRETARY:



Rickie Yeager, AICP