



Office of the City Clerk

The City of Morgantown

Linda L. Tucker, CMC
389 Spruce Street, Room 10
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
ltucker@morgantownwv.gov

AGENDA
MORGANTOWN CITY COUNCIL
COMMITTEE OF THE WHOLE
October 27, 2015
7:00 p.m.

NOTE: Committee of the Whole Meetings of the Morgantown City Council are intended to provide an opportunity for the Council to receive information, ask questions, and identify policy options in an informal setting. No official action is taken at these meetings. At this Committee of the Whole Meeting the following matters are scheduled:

PRESENTATIONS:

1. Final Public Safety Building Plaza Subsidence Remediation Design

PUBLIC PORTION:

ITEMS FOR DISCUSSION:

1. City Council Order of Procedure
2. Blocking the Box Intersections
3. Zoning Map Amendment – From R-1 to B-2 – Suburban Lanes
4. Zoning Text Amendment – “Two-Family Dwelling” uses in B-1 Districts
5. Zoning Map Amendment – Airport Access Road Annexation – I-1 District
6. Zoning Map Amendment – WWYD, LLC Annexation – B-5 District
7. Zoning Map Amendment – WVU Annexation – B-5 District

If you need an accommodation contact us at 284-7439

REVISED SITE RENDERING

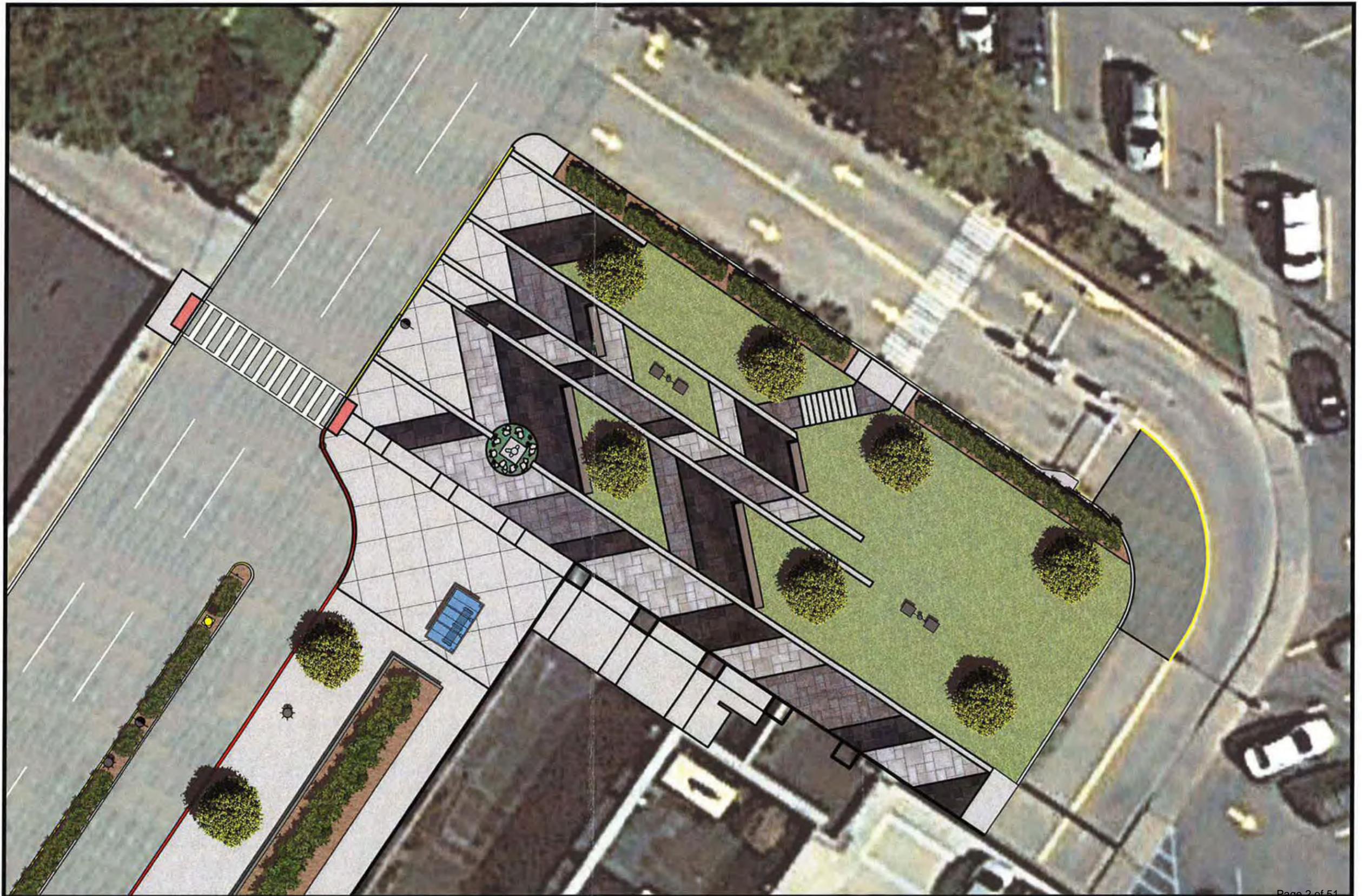
PUBLIC SAFETY BUILDING

COURTYARD IMPROVEMENTS

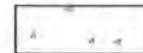
300 SPRUCE ST.
MORGANTOWN, WV

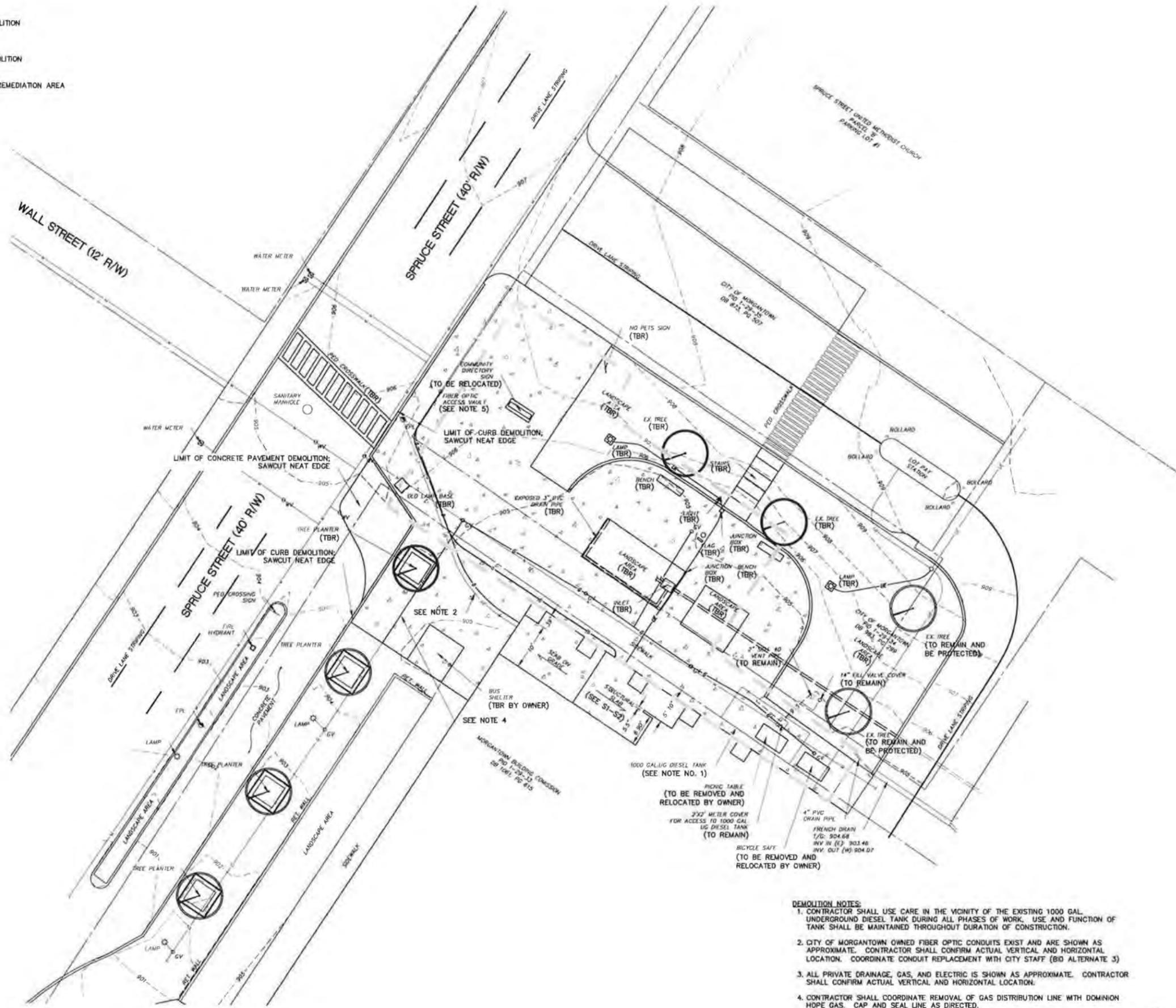


Larson Design Group*

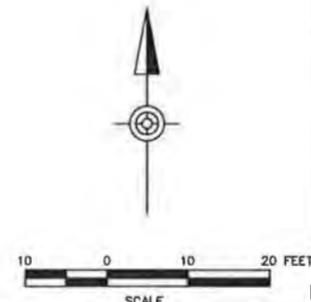


DEMOLITION LEGEND

-  CONCRETE DEMOLITION
-  PAVEMENT DEMOLITION
-  GEOTECHNICAL REMEDIATION AREA



- DEMOLITION NOTES:**
- CONTRACTOR SHALL USE CARE IN THE VICINITY OF THE EXISTING 1000 GAL. UNDERGROUND DIESEL TANK DURING ALL PHASES OF WORK. USE AND FUNCTION OF TANK SHALL BE MAINTAINED THROUGHOUT DURATION OF CONSTRUCTION.
 - CITY OF MORGANTOWN OWNED FIBER OPTIC CONDUITS EXIST AND ARE SHOWN AS APPROXIMATE. CONTRACTOR SHALL CONFIRM ACTUAL VERTICAL AND HORIZONTAL LOCATION. COORDINATE CONDUIT REPLACEMENT WITH CITY STAFF (BID ALTERNATE 3)
 - ALL PRIVATE DRAINAGE, GAS, AND ELECTRIC IS SHOWN AS APPROXIMATE. CONTRACTOR SHALL CONFIRM ACTUAL VERTICAL AND HORIZONTAL LOCATION.
 - CONTRACTOR SHALL COORDINATE REMOVAL OF GAS DISTRIBUTION LINE WITH DOMINION HOPE GAS. CAP AND SEAL LINE AS DIRECTED.
 - RESET ACCESS PORT FOLLOWING REPLACEMENT OF FIBER OPTIC CONDUITS (BID ALTERNATE 3)



It is a violation of the law for any person, unless acting under the direction of a licensed Architect, Engineer or Land Surveyor, to alter or issue in any way, plans, maps, specifications, studies, and reports not containing a red ink seal or stamp on the copy, when accompanied by an original signature by the licensed professional, may have been fraudulently obtained and shall not be considered an original copy. Copyright Protected 2015, Larson Design Group.

NO.	DATE	BY	REVISIONS
1	10/22/15	SKK	COMPLETE DRAWING SUBMISSION
2			COMMENTS
			ISSUE / REVISIONS



EXISTING CONDITIONS AND DEMOLITION PLAN
PUBLIC SAFETY BUILDING LANDSCAPE ENHANCEMENTS
 CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA
 Larson Design Group • Architects Engineers Surveyors
 2502 Cranberry Square
 Morgantown, WV 26508
 PHONE 304.777.2840 TOLL FREE 877.323.6603
 FAX 304.284.7398 • www.larsondesigngroup.com

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 121.04 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS; MORE PARTICULARLY, THE LOCATION OF THE "PUBLIC PORTION" UPON THE CITY COUNCIL MEETING AGENDA.

The City of Morgantown hereby ordains that Section 121.04 of the City of Morgantown Administrative Code is amended as follows (new matter underlined, deleted matter struck through):

121.04 ORDER OF PROCEDURE.

The order of procedure for regular meetings of Council shall be as follows:

- (a) Call Council to order - Mayor
- (b) Roll call by City Clerk
- (c) Pledge to Flag
- (d) Approval of minutes.
- (e) Correspondence.
- (f) Unfinished business.
- (g) Public portion which shall be subject to rules established by Council and adopted by Resolution
- ~~(g)~~(h) Special committee reports
- ~~(h)~~ (i) New business.
- ~~(i) Public portion which shall be subject to rules established by Council and adopted by resolution:~~
- (j) City manager's report.
- (k) Report from City Clerk.
- (l) Report from City Attorney.
- (m) Report from Council members.
- (n) Adjournment.

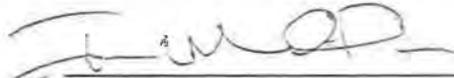
This Ordinance shall be effective upon date of adoption.

FIRST READING: February 5, 2013

ADOPTED: February 19, 2013

FILED: February 20, 2013

RECORDED: February 20, 2013


MAYOR


CITY CLERK



Development Services
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: 21 OCT 2015
To: Jeff Mikorski, City Manager via email
Linda Tucker, City Clerk via email
RE: City Council Committee of the Whole Agenda – 27 OCT 2015
RZ15-09 / Suburban Lanes, LLC / 3166 Collins Ferry Road

During its 08 OCT 2015 hearing, the Planning Commission voted unanimously to forward a recommendation to City Council to DENY the above referenced Zoning Map Amendment petition requested by Lisa Mardis of Project Management Services, on behalf of Suburban Lanes, Inc. and Otto Properties, LLC.

Attached herewith are the related Staff Report presented to the Planning Commission and the draft ordinance. The following dates will keep to standard Planning and Zoning Code Map Amendment protocol:

City Council Meetings

Committee of the Whole..... Tuesday, October 27, 2015; 7:00 PM
City Council Chambers

1st Reading: Tuesday, November 3, 2015; 7:00 PM
City Council Chambers

Public Hearing and 2nd Reading:..... Tuesday, December 1, 2015; 7:00 PM
City Council Chambers

Please include this item on the City Council meeting agendas noted above and include this communication and attachments in the 27 OCT Committee of the Whole meeting packet. Only the ordinance should be included in the 03 NOV and 01 DEC meeting packets.

Thank you.

Digitally signed by Christopher M. Fletcher, AICP
Date: 2015.10.21 10:28:39 -04'00'

Attachment: RZ15-09 Staff Report and Draft Ordinance

From the Desk of:
Christopher M. Fletcher, AICP
Director of Development Services

Page 1 of 1



MORGANTOWN PLANNING COMMISSION

October 8, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

STAFF REPORT

CASE NO: RZ15-09 / Suburban Lanes, LLC / 3166 Collins Ferry Road

REQUEST and LOCATION:

Request by Lisa Mardis of Project Management Services, on behalf of Suburban Lanes, Inc. and Otto Properties, LLC, for a Zoning Map Amendment from R-1, Single-Family Residential District to B-2, Service Business District for property located at 3166 Collins Ferry Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 55, Parcel 40; R-1, Single-Family Residential District

SURROUNDING ZONING:

North: B-2, Service Business District

East and South: R-1, Single-Family Residential District

West: PRO, Professional, Residential and Office District

BACKGROUND:

Otto Properties, LLC seeks to purchase Parcel 40 of Tax Map 55 from Suburban Lanes, Inc. for the purpose of expanding parking for the existing development situated on Parcel 37 of Tax Map 55. Addendum A of this report illustrates the location of the subject realty.

The zoning classification of Parcel 37 is B-2, Service Business District. The site includes a principal building containing *The Wine Bar at Vintner Valley* establishment on the first floor and two (2) apartments on the second floor (see graphic below) along with on-site parking. The land use classifications are "Private Wine Restaurant" and "Over-store Dwellings", which are permitted by-right in the B-2 District.



**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

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Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

The zoning classification for Parcel 40 is R-1, Single-Family Residential District. "Commercial Parking Lot" uses, which are stand-alone parking lots, and "Private Parking Lot" uses, which are on-site parking accommodations, are not permitted uses in the R-1 District.

The Planning and Zoning Code prevents the petitioner from simply acquiring Parcel 40 and developing additional parking. Two (2) concurrent matters must be addressed before an opportunity to expand parking, as desired by the petitioner, would be permissible.

Matter 1 – The zoning classification of Parcel 40 must be changed to a district where parking is a permitted use. However, the only present access to Parcel 40 is by a very narrow (ten to twelve-foot wide) private lane, which also provides sole access from Collins Ferry Road to Parcels 39 and 38.1, which are otherwise landlocked.

Staff is concerned that simply changing the zoning classification for Parcel 40 without combining it with Parcel 37 could result in the development of a B-2 District scaled principal building on Parcel 40 only accessible via the narrow private lane. Fortunately, this does not appear to be the intent of the petitioner. However, longer-view considerations and decisions are warranted.

Matter 2 – Combining Parcels 40 and 37 would result in parking on the same parcel of the use to which it would be an accommodation. However, the new larger parcel would be bisected by the zoning district boundary separating the B-2 District and the R-1 District. Further, the R-1 District classification would prohibit parking to be expanded even though it would be situated on the same Parcel as the use to which the parking would be an accommodation (assuming subdivision approval is granted). The petitioner has submitted a Minor Subdivision petition to combine Parcels 37 and 40, which is included on the Commission's 08 OCT 2015 agenda under Case No. RZ15-19.

ANALYSIS:

According to Article 1333.01 of the Planning and Zoning Code, the purpose of the R-1 District is to:

- (A) Provide for attractive single family neighborhoods for residents who prefer larger lot sizes and do not generally desire to live in close proximity to other types of uses, and
- (B) Preserve the desirable character of existing single family neighborhoods, and
- (C) Protect the single family residential areas from change and intrusion that may cause deterioration, and provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

According to Article 1347.01, the purpose of the B-2 District is to:

"...provide areas that are appropriate for most kinds of businesses and services, particularly large space users such as department stores. Typically B-2 districts are located along major thoroughfares."

Development Services Department

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Director

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Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kaweckı, City Council

Another potential consideration in evaluating and determining the most appropriate zoning classification for both Parcels 37 and 40 is B-1, Neighborhood Business District. The B-1 District provides a significantly smaller scale of permitted development patterns (i.e., maximum building height, etc.) and a limited number of nonresidential uses permitted than that of the B-2 District.

Additionally, the existing land use classifications on Parcel 37 of "Private Wine Restaurant" and "Over-store Dwellings" are permitted by-right in the B-1 District. As such, a zoning classification change for Parcel 37 from B-2 to B-1 would not create a nonconforming use. However, this zoning classification change would need to include Parcel 40 to permit the development of additional parking as desired by the petitioner.

According to Article 1345.01, the purpose of the B-1 District is to:

"...provide areas for convenient business uses, which tend to meet the daily shopping and service needs of the residents of an immediate neighborhood, and which contain pedestrian-oriented, human-scaled construction that is designed to be compatible with the surrounding neighborhood character. Because of the proximity to residential neighborhoods, high quality design is essential in order to preserve the integrity of those neighborhoods."

It is the opinion of the Planning Division that changing the zoning classification of Parcel 40 from R-1 to B-2 would be considered a minor zoning district boundary adjustment.

It is the opinion of the Planning Division that changing the zoning classification of Parcels 37 and 40 from B-2 to B-1 and from R-1 to B-1 respectively thereby creating a new B-1 District within the immediate area should not be considered "spot zoning." Creating a B-1 District, assuming the expansion of parking is acceptable, would arguably better reflect the existing development scale, pattern, and character and the existing land uses of Parcel 37 and allow the development of parking on Parcel 40, provided said parcels on combined.

Comprehensive Plan Concurrence

As recommended in Chapter 9 "Implementation" of the 2013 Comprehensive Plan Update, Addendum B of this report identifies how the proposed development program relates to the land management intent, location, and pattern and character principles of the current Comprehensive Plan.

It should be noted "shall" statements within the Comprehensive Plan must be understood as desired objectives and strategies that do not have the force or effect of law unless incorporated into the City's Planning and Zoning Code.

How Parcel 40 is represented on the "Pattern and Character" and the "Land Management" maps is indistinct. The shapes of Parcels 37 and 40 were overlaid on these Comprehensive Plan maps in Addendum B for illustration purposes in as close to scale as reasonably attainable using parcel and zoning district boundaries from the City's Geographic Information System (GIS).

**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

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304.284.7431



MORGANTOWN PLANNING COMMISSION

October 8, 2015

6:30 PM

City Council Chambers

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William Wyant, 3rd Ward

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Ken Martis, Admin.

Bill Kawecky, City Council

Relating the Comprehensive Plan to the present petition and determining whether or not reclassifying Parcel 40 is in concurrence with the Plan are challenges given the heterogeneous context of the surrounding built environment, the confluence of several zoning districts, and the Plan's equivocal mapping and narrative within the immediate area of Parcel 40.

STAFF RECOMMENDATION:

Zoning map amendment requests should be evaluated on their land-use merits alone. The petitioners' development intentions are extraneous and the Commission should consider the request on its merits as a land-use decision.

In conducting such an analysis, the Commission should determine if petitioner's request to reclassify Parcel 40 from R-1, Single-Family Residential District to B-2, Service Business District is the appropriate zoning classification for the subject realty, weighing all possible future development and land use scenarios as permitted by the Planning and Zoning Code; particularly, Article 1347 "B-2, Service Business District" and Table 1331.05.01 "Permitted Land Uses."

It is the opinion of the Planning Division, should the Commission consider submitting a recommendation to City Council to change the zoning classification for Parcel 40 of Tax Map 55, that the most appropriate classification for same is B-1, Neighborhood District; provided, the zoning designation for Parcel 37 of Tax Map 55 is also reclassified to B-1 and Parcels 37 and 40 are combined via minor subdivision approval.

**Development Services
Department**

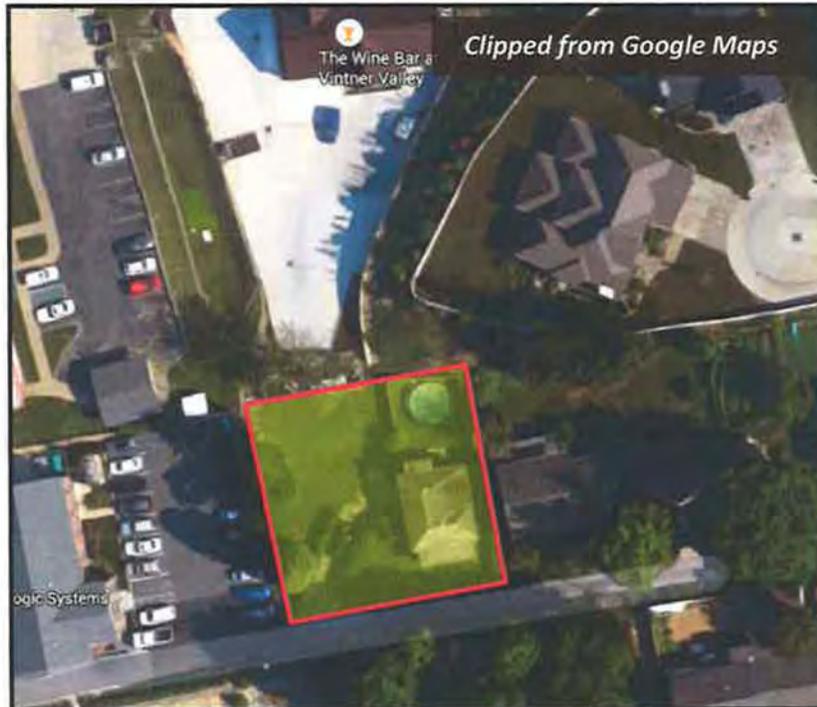
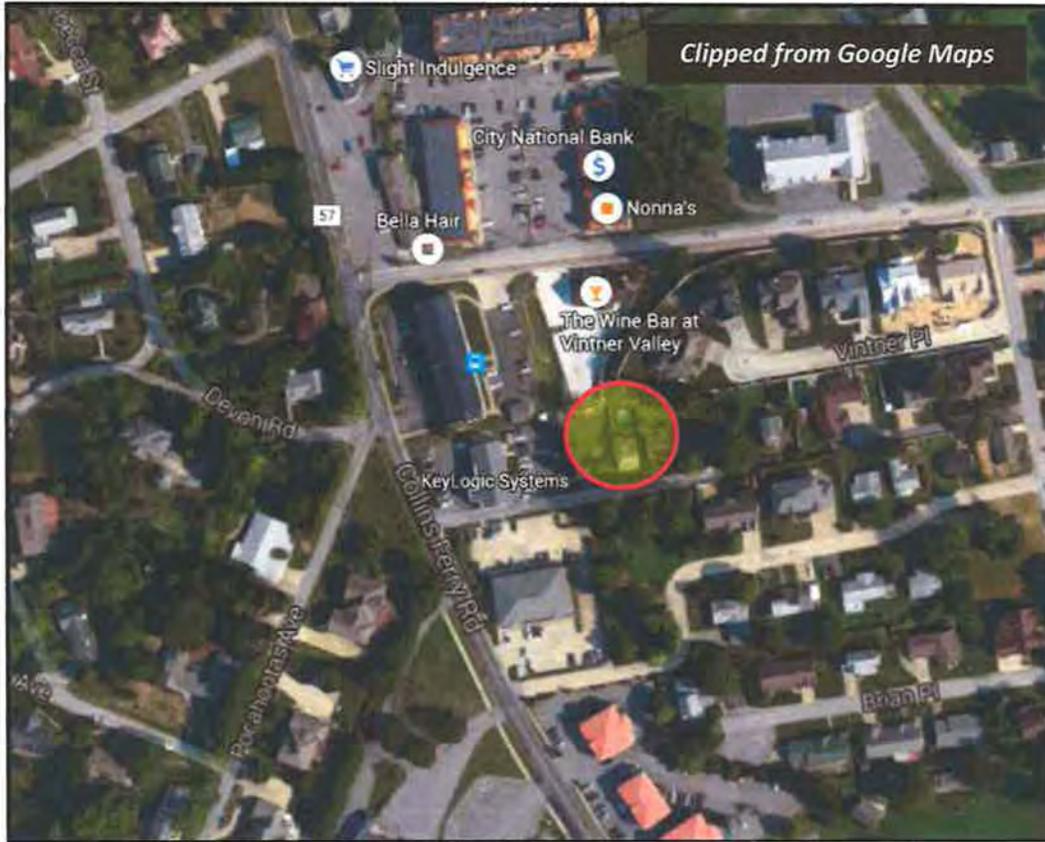
Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

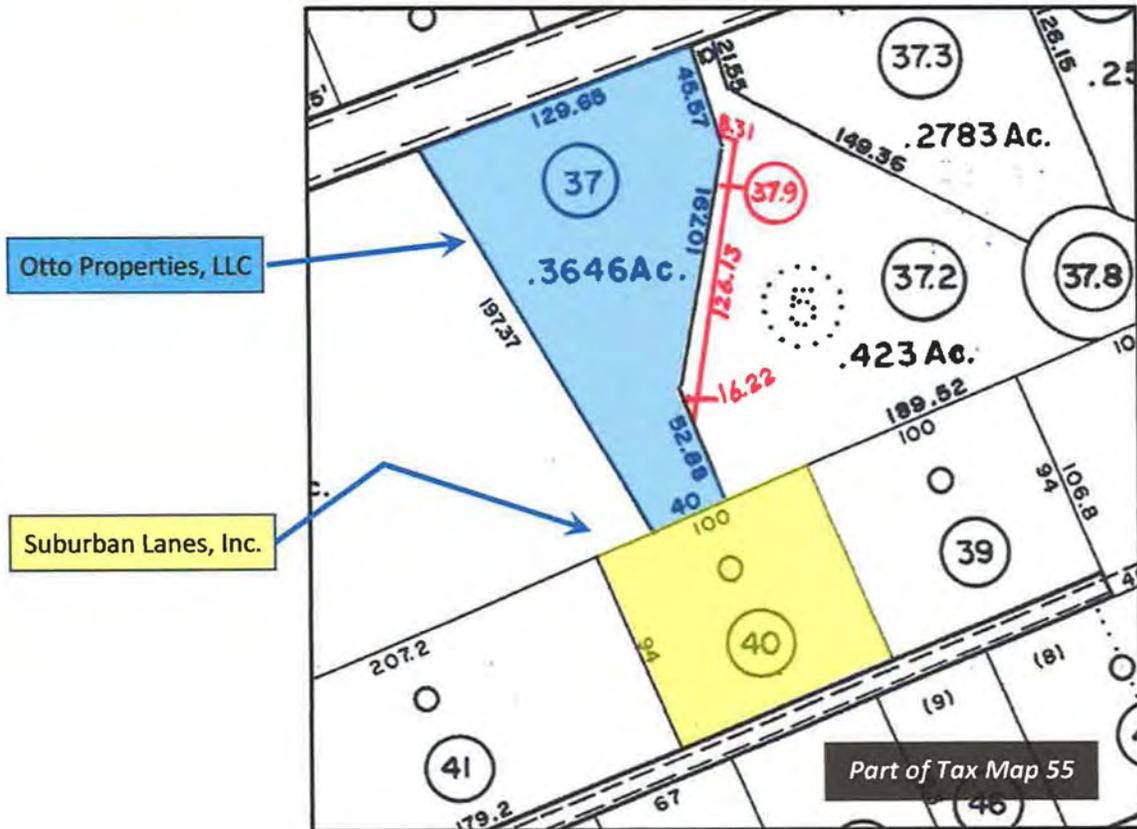
STAFF REPORT ADDENDUM A

RZ15-09 / Suburban Lanes, LLC / 3166 Collins Ferry Road



STAFF REPORT ADDENDUM A

RZ15-09 / Suburban Lanes, LLC / 3166 Collins Ferry Road



STAFF REPORT ADDENDUM A
RZ15-09 / Suburban Lanes, LLC / 3166 Collins Ferry Road

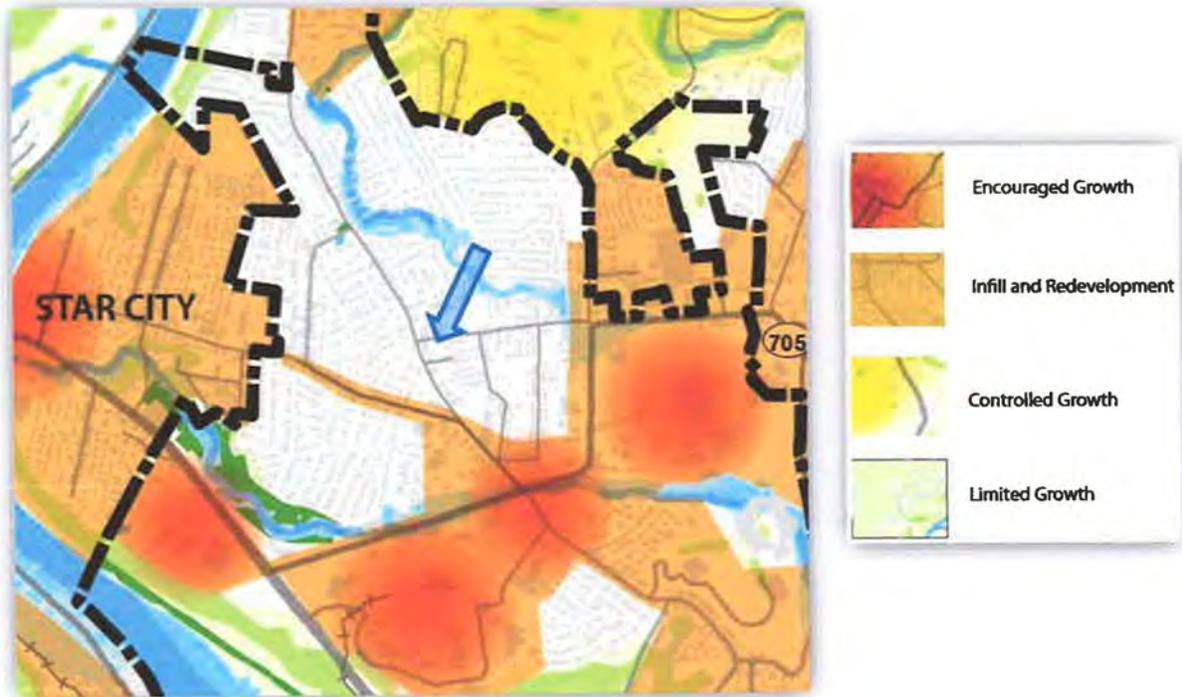


STAFF REPORT ADDENDUM B

RZ15-09 / Suburban Lanes, LLC / 3166 Collins Ferry Road

Concurrence with the 2013 Comprehensive Plan Update

The following graphic is clipped from the **Conceptual Growth Framework** map included on Page 19 of the 2013 Comprehensive Plan Update. The subject development site is located within a "Limited Growth" area.



**PATTERN
AND
CHARACTER**

Development proposals in growth areas will be consistent with preferred development types. Development in areas where growth is not intended should be compatible with the relevant Character Areas description and expectations for how those areas should evolve in the future.

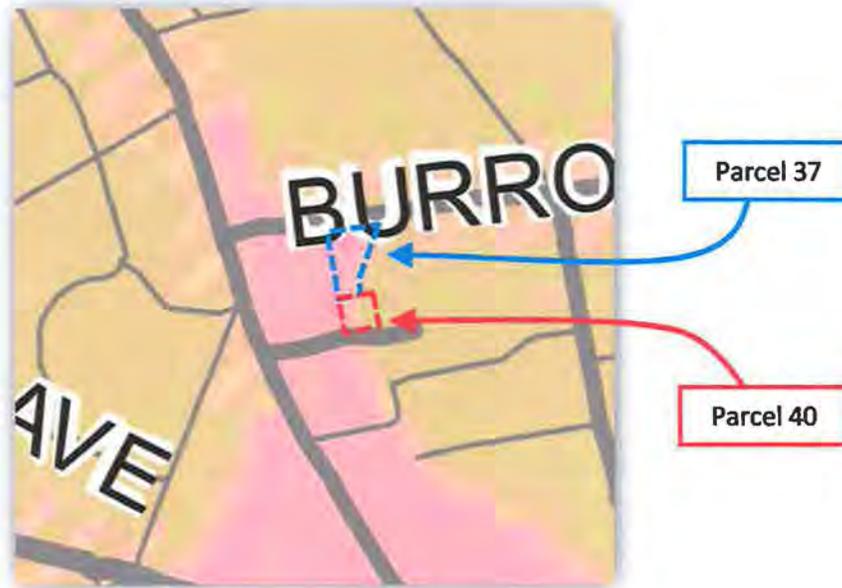
The following graphic is clipped from **Map 3 – Pattern and Character** included on Page 27 of the 2013 Comprehensive Plan Update. The subject development site is located within the “**Neighborhood Corridor**” and “**Neighborhood 2**” pattern and character areas.



Neighborhood Corridor. Neighborhood Corridors are transitional areas between neighborhoods and more intensely developed commercial or urban corridors. The development pattern reflects the lot sizes and block structure of the surrounding neighborhood, but includes a mix of building types such as small residential buildings along the street and suburban-style buildings set back behind a surface parking lot. Uses also vary and include commercial, office, and multi-family residential. Since they share a neighborhood block structure, these corridors are more walkable than a Commercial Corridor. Due to the high levels of traffic, these areas will continue to face redevelopment pressure.

Neighborhood 2. Neighborhood 2 is relatively lower density than neighborhood 1 with longer blocks and slightly larger lots. This district is primarily single-family residential but also includes some small-scale multi-family residential and commercial uses. The street pattern is generally a modified grid with more variety of block sizes, but still retaining a high degree of connectivity. The neighborhoods have multiple entry points with walkable access to transit, although many of these areas lack sidewalks. The multi-family buildings are either single-family structures that have been divided into multiple dwellings or small and isolated multi-unit buildings.

The following graphic is clipped from **Map 4 – Land Management** included on Page 39 of the the 2013 Comprehensive Plan Update. The subject development site is located within the “Corridor Enhancement” and “Neighborhood Conservation” concept areas.



 **Corridor Enhancement**:** Improving development along corridors with a mix of uses, increased intensity at major nodes or intersections and roadway improvements to improve traffic flow, pedestrian and biking experience.

 **Neighborhood Conservation*:** Preservation of existing neighborhood character and continued maintenance of buildings and infrastructure.

The following graphics are clipped from Pages 41 through 43 of the 2013 Comprehensive Plan Update and identify the development types desired within the “Corridor Enhancement” and “Neighborhood Conservation” concept areas.

Appropriate Development Types

CONCEPT AREA	SF	TF	MF	C	NX	UC	CC	O	I	CD	OS
 Corridor Enhancement*			•	•	•		•	•			•
 Neighborhood Conservation*	•	○	○	•							•

DEVELOPMENT TYPE DESCRIPTIONS

PATTERN AND CHARACTER EXAMPLES

SF Single Family Residential

Detached 1-2.5 story residential structures each intended for one family. Densities range from six to twelve units per acre.



TF Two Family Residential

Detached structures that each contain two separate residential dwellings and townhouse dwelling types. May be built in a similar pattern as single-family structures and integrated in neighborhoods with other single-family structures and/or at the edge of single-family neighborhoods. Densities range from six to twenty units per acre.



MF Multi-family Residential

Includes various forms such as apartment buildings where three or more separate residential dwelling units are contained with a structure and townhouse dwelling types. They vary considerably in form and density depending on the context – from four-story or larger buildings set close to the street in and at the edge of the downtown core and along major corridors, to smaller two- to four-story buildings with greater street setbacks in areas between the downtown core and single-family neighborhoods.



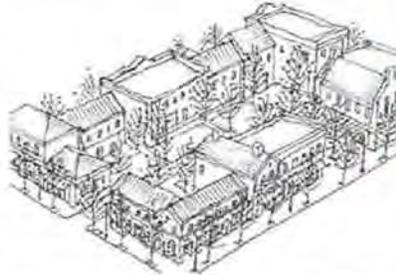
C Civic and Institutional

These sites include both public uses (government buildings, libraries, community recreation centers, police and fire stations, and schools) and semi-public or private uses (universities, churches, hospital campuses). Public uses should be strategically located and integrated with surrounding development. Civic and Institutional sites may be distinctive from surrounding buildings in their architecture or relationship to the street.



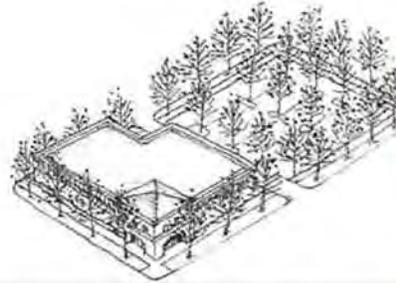
NX Neighborhood Center Mixed-Use

A mix of housing, office, commercial, and civic uses adjacent to one another or contained within the same structure (such as offices or apartments above ground-floor retail). Such uses should be compatible with and primarily serve nearby neighborhoods (within 1/2 mile). Parking should be located behind or to the side of buildings and may be shared between multiple uses.



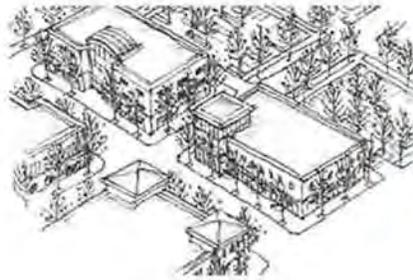
CC Community Commercial

Larger scale, primarily retail, restaurant and accommodation uses that serve the broader community. Buildings should be located close to the street with parking to the rear or side and should be well-connected to surrounding development and pedestrian infrastructure.



O Office / Research

Larger-scale 2-6 story buildings generally housing professional offices or research/development activities with single or multiple tenants. May involve multiple large-scale buildings in a campus setting, but buildings should be in a walkable configuration with shared parking typically behind or to the side. Supportive retail establishments may occupy the lower levels of a multistory building. Supportive retail uses include coffee shops, delicatessens, barbers, and bookstores among others.



OS Greenspace

Includes formal parks, recreation areas, trails, and natural open space.





City of Morgantown, West Virginia
APPLICATION FOR
FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	R215-09
RECEIVED:	
COMPLETE:	

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

BY: [Signature] PAID
AUG 07 2015

I. OWNER / APPLICANT			
Name:	Suburban Lanes, LLC	Phone:	
Mailing Address:	735 A Chestnut Ridge Rd	Mobile:	
	Morgantown WV 26505	Email:	
	<small>Street City State Zip</small>		
II. AGENT / CONTACT INFORMATION			
Name:	Project Management Services	Phone:	304-212-5256
Mailing Address:	160 Fayette Street	Mobile:	304-692-7116
	Morgantown WV 26505	Email:	pms160@comcast.net
	<small>Street City State Zip</small>		
Mailings –	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
IV. PROPERTY			
Street Address (if assigned):	-		
Tax Map(s) #:	55	Parcel(s) #:	40
Current Zoning Classification:	R-1	Proposed Zoning Classification:	B-2
Current Land Use:		Proposed Land Use*:	
<small>*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.</small>			
V. 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.			
Lisa Mardis		Lisa Mardis	
Type/Print Name of Applicant/Agent		Type/Print Name of Applicant/Agent	
		8/7/15	
		Date	

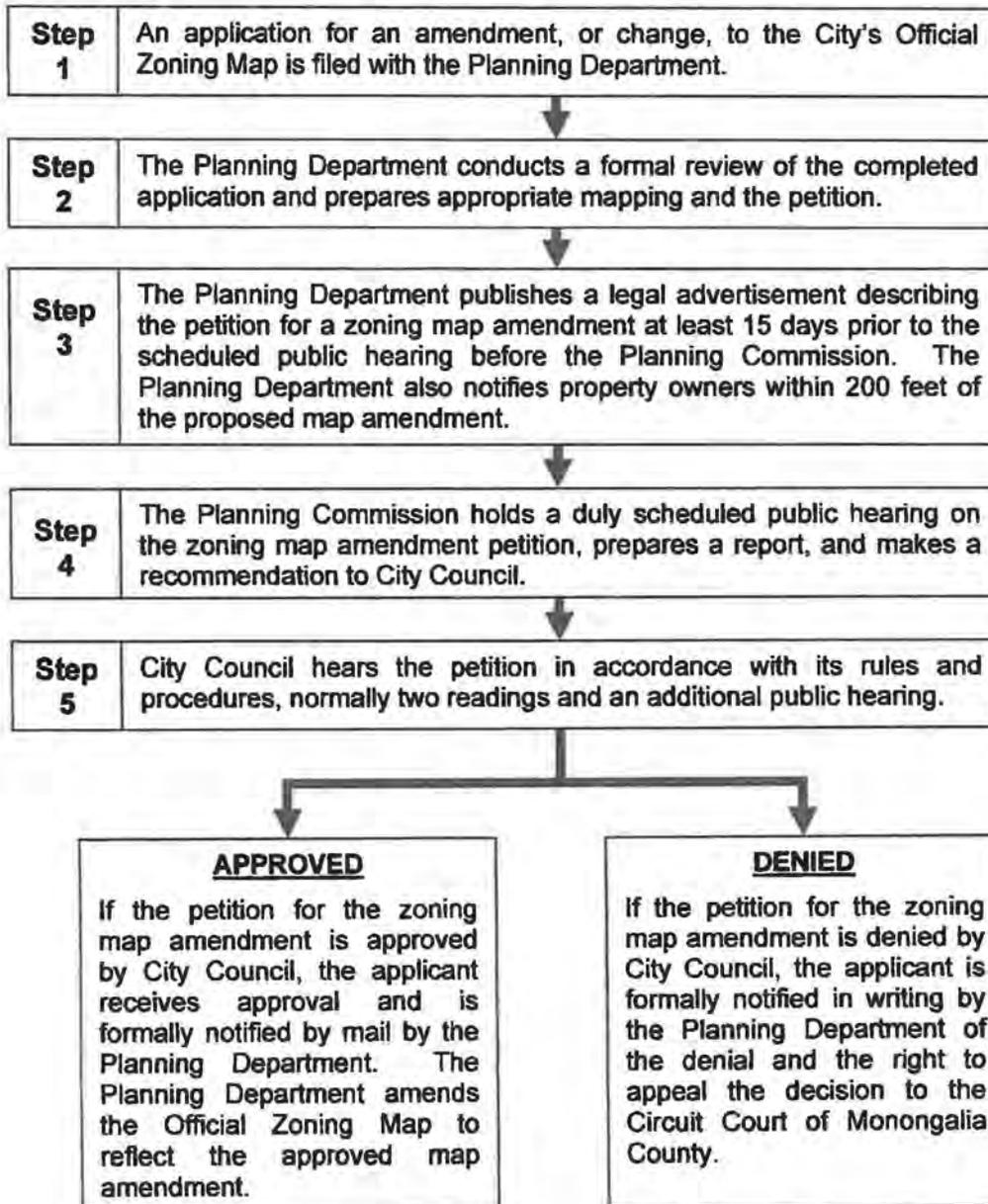
Zoning Map Amendment Fee - \$75 MC



City of Morgantown, West Virginia
APPLICATION FOR
FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	<u>225-09</u>
RECEIVED:	_____
COMPLETE:	_____

ADDENDUM A - Zoning Map Amendment Process





PROJECT MANAGEMENT SERVICES

Project Management Services submits a Map Amendment Request for Otto Properties, LLC, owner being Suburban Lanes, LLC. The submitted Map Amendment Request is to rezone realty located on Tax Map #55 Parcel #40 from R-1, Single-Family Residential to B-2, Service Business District.

The applicant will also complete a Minor Subdivision Request to combine Parcels #37 and #40 to extend the existing parking for the Vintner Wine Bar, located at 510 Burroughs Street. This will ensure that there cannot be an additional structure constructed on this realty.

As a neighborhood business and a destination, The Vintner Wine Bar relies on pedestrian and automobile traffic to help increase the City of Morgantown's tax base. To alleviate any spill-over parking issues, the adjacent parcel will provide adequate space for additional on-site parking and buffering/landscape.

Therefore, Project Management Services and Otto Properties, LLC, humbly requests that the Planning Commission approve the Map Amendment.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-2, SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Property included in this consideration is identified in the Monongalia County Assessor's records as Parcel 40 of County Tax Map 55; Morgantown Corporation District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

- 1. That the zoning designation for Parcel 40 of County Tax Map 55 of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein is reclassified from R-1, Single-Family Residential District to B-2, Service Business District.
- 2. That the Official Zoning Map be accordingly changed to show said zoning classification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

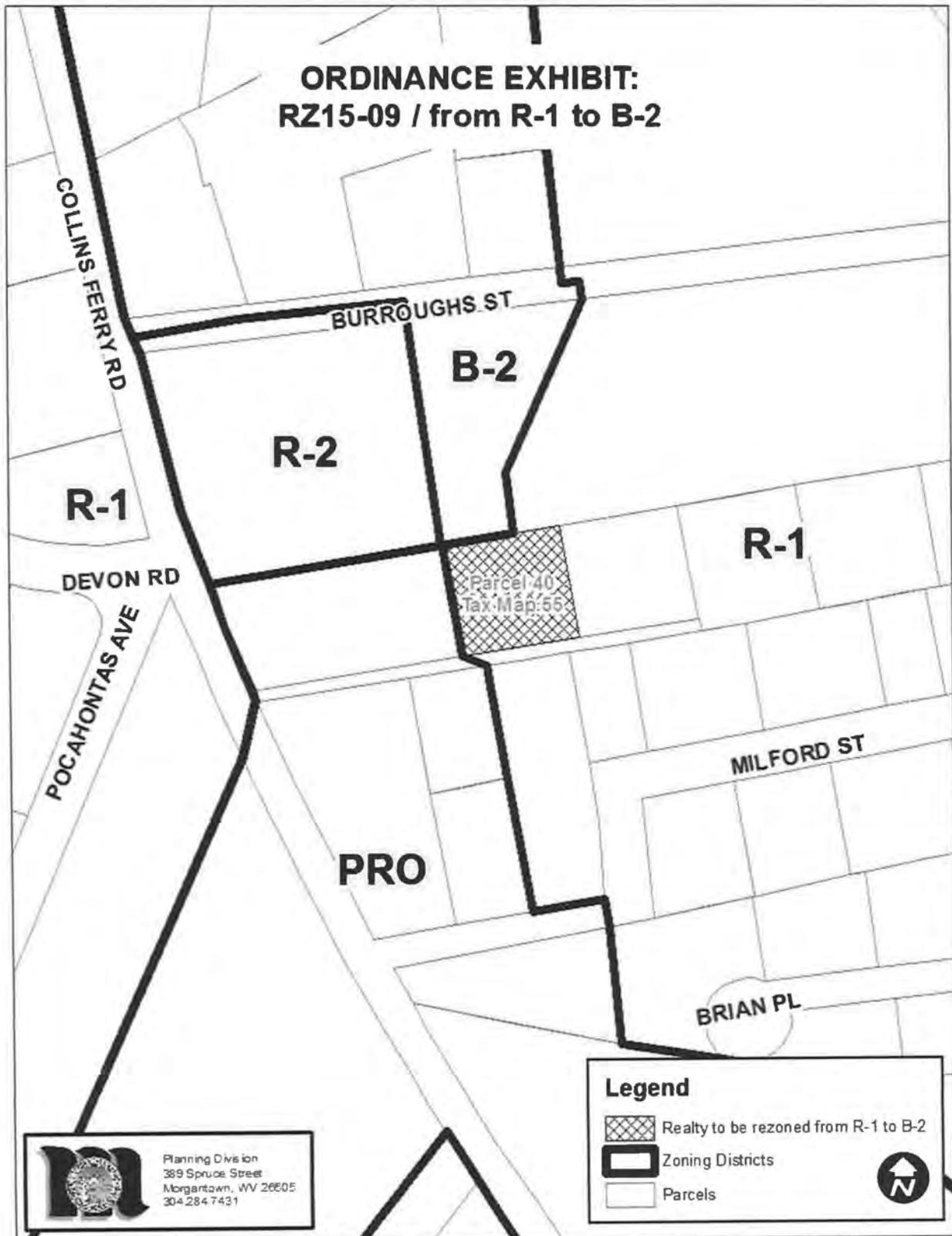
ADOPTED:

FILED:

RECORDED:

City Clerk

**ORDINANCE EXHIBIT:
RZ15-09 / from R-1 to B-2**





MEMORANDUM

Date: 19 OCT 2015

To: Jeff Mikorski, City Manager via email
 Linda Little, City Clerk via email

RE: City Council Committee of the Whole Agenda – 27 OCT 2015
 TX15-04 / Companion Care Corporation / Permitted Land Uses
 "Two-Family Dwelling" uses in the B-1, Neighborhood Business District

During its 08 OCT 2015 hearing, the Planning Commission voted four (4) to three (3) to forward a recommendation to City Council to amend Table 1331.05.01 "Permitted Land Uses" so that "Two-Family Dwelling" uses within the B-1, Neighborhood Business District may be permitted with conditional use approval as illustrated in the graphic below (emphasis added).

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1
Dwelling, Two-family			P	P	P	C		C			

Attached herewith are the related Staff Report presented to the Planning Commission and the draft ordinance. The following dates will keep to standard Planning and Zoning Code Map Amendment protocol:

City Council Meetings

Committee of the Whole..... Tuesday, October 27, 2015; 7:00 PM
 City Council Chambers

1st Reading: Tuesday, November 3, 2015; 7:00 PM
 City Council Chambers

Public Hearing and 2nd Reading:..... Tuesday, December 1, 2015; 7:00 PM
 City Council Chambers

Please include this item on the City Council meeting agendas noted above and include this communication and attachments in the 27 OCT Committee of the Whole meeting packet. Only the ordinance should be included in the 03 NOV and 01 DEC meeting packets.

Thank you.

Digitally signed by Christopher M. Fletcher, AICP
 Date: 2015.10.19 14:40:59 -04'00'

Attachments: Draft Ordinance and documents noted above



MORGANTOWN PLANNING COMMISSION

October 8, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

STAFF REPORT

CASE NO: TX15-04 / Companion Care Corporation / Permitted Land Uses

REQUEST:

A request by Jerome Munsey, on behalf of Companion Care Corporation, to amend Table 1331.05.01 "Permitted Land Uses" so that "Two-Family Dwelling" uses are permitted either by-right or by conditional use approval in the B-1 District.

BACKGROUND and ANALYSIS:

The petitioner owns the realty addressed as 304 Willey Street (Tax Map 26, Parcel 264). The principal building on the property appears to be a single-family dwelling converted years ago and occupied most recently the *Companion Care Corporation* offices on the first floor and one (1) two-bedroom apartment on the second floor.

The following graphics illustrate the location and B-1, Neighborhood Business District classification for the petitioner's property.



The principal building at 304 Willey Street is considered a mixed-use development because it contains both residential and nonresidential uses. The *Companion Care Corporation* offices on the first floor is considered a "Professional Services Establishment" use permitted by-right in the B-1 District. The two-bedroom apartment on the second floor is considered either a "Mixed-Use Dwelling" or "Over-Store Dwelling" use depending on the square footage of the residential use component in relation to the square footage of the nonresidential use component. Regardless, both residential dwelling use types are permitted by-right in the B-1 District.

The following graphic is clipped from Table 1331.05.01 "Permitted Land Uses" to illustrate where certain residential use types are and are not permitted within the City. "P" denotes the use is permitted by-right in a particular zoning district. "C" denotes the use is permitted with conditional use approval in a particular zoning district. If the box in the row for a use is empty in the column of a particular zoning district, then that use is not permitted in that particular zoning district.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

October 8, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1
Dwelling, Mixed Use				P		P	P	P	P	P	
Dwelling, Multi-family			C	P			P	C	C		
Dwelling, Over-store						P	P	P	P	P	
Dwelling, Single family	P	P	P	P	P						
Dwelling, Townhouse			P	P	P		P	P			
Dwelling, Two-family			P	P	P			C			

The petitioner seeks to convert the first floor nonresidential space at 304 Willey Street into a residential dwelling unit. Doing so would change the land use classification of the building from mixed-use development to a "Two-Family Dwelling" use (duplex). As illustrated in the graphic above, "Two-Family Dwelling" uses are not permitted in the B-1 District.

Staff advised the petitioner there were two (2) options to consider that might create an opportunity for the subject building to be converted into a "Two-Family Dwelling" use.

Option 1 was to pursue a zoning map amendment to reclassify the subject realty from the B-1, Neighborhood Business District to the B-4, General Business District where "Two-Family Dwelling" uses are permitted with conditional use approval by the Board of Zoning Appeals. Staff advised against this option because this B-1 District area appears to represent the existing uses and development pattern and character on either side of Willey Street within the immediate area. Adjusting the adjoining B-4 District boundary to include the petitioner's parcel would disrupt this continuity.

Option 2 was to pursue a zoning text amendment to permit "Two-Family Dwelling" uses within the B-1 District either by-right or with conditional use approval. This land use decision would require city-wide consideration as it would permit "Two-Family Dwelling" uses, either by-right or with conditional use approval, in all B-1 Districts within the City.

Article 1345.01 states the following:

"The purpose of the Neighborhood Business (B-1) District is to provide areas for convenient business uses, which tend to meet the daily shopping and service needs of the residents of an immediate neighborhood, and which contain pedestrian-oriented, human-scaled construction that is designed to be compatible with the surrounding neighborhood character. Because of the proximity to residential neighborhoods, high quality design is essential in order to preserve the integrity of those neighborhoods."

Addendum A of this report illustrates where B-1 Districts are located within the City.

When studying highest and best land uses within the B-1 District, Staff recommends the Planning Commission also consider if sufficient options are currently available for a building struggling to function and/or operate because its nonresidential space is no longer attractive to commercial tenants; particularly, a smaller building that might only

Development Services
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Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

October 8, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

house two (2) dwelling units. Consideration appears prudent for how protracted vacancies in a smaller building (i.e., converted single-family home) might be avoided along with resultant impacts on the immediate neighborhood.

Conditional use approval requires careful consideration by the Board of Zoning Appeals. Each conditional use petition is evaluated on the unique context and particular merits of the individual case. Further, the conditional use decision process incorporates public notification, public participation, and public decisions based on deliberated findings of fact.

STAFF RECOMMENDATION:

Staff recommends, should the Planning Commission decide to forward a favorable recommendation to City Council under Case No. TX15-04, that Table 1331.05.01 "Permitted Land Uses" be amended as followings so that "Two-Family Dwelling" uses within the B-1, Neighborhood Business District are permitted only with conditional use approval.

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1
Dwelling, Two-family			P	P	P	<u>C</u>		C			

Development Services

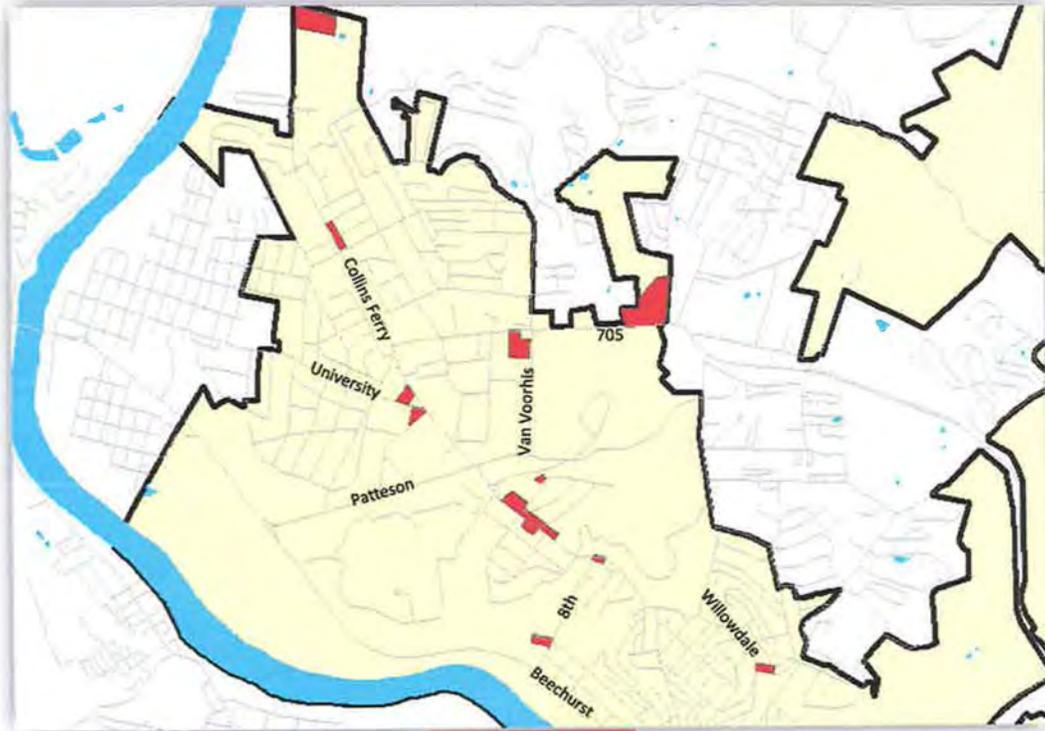
Christopher Fletcher, AICP
Director

Planning Division

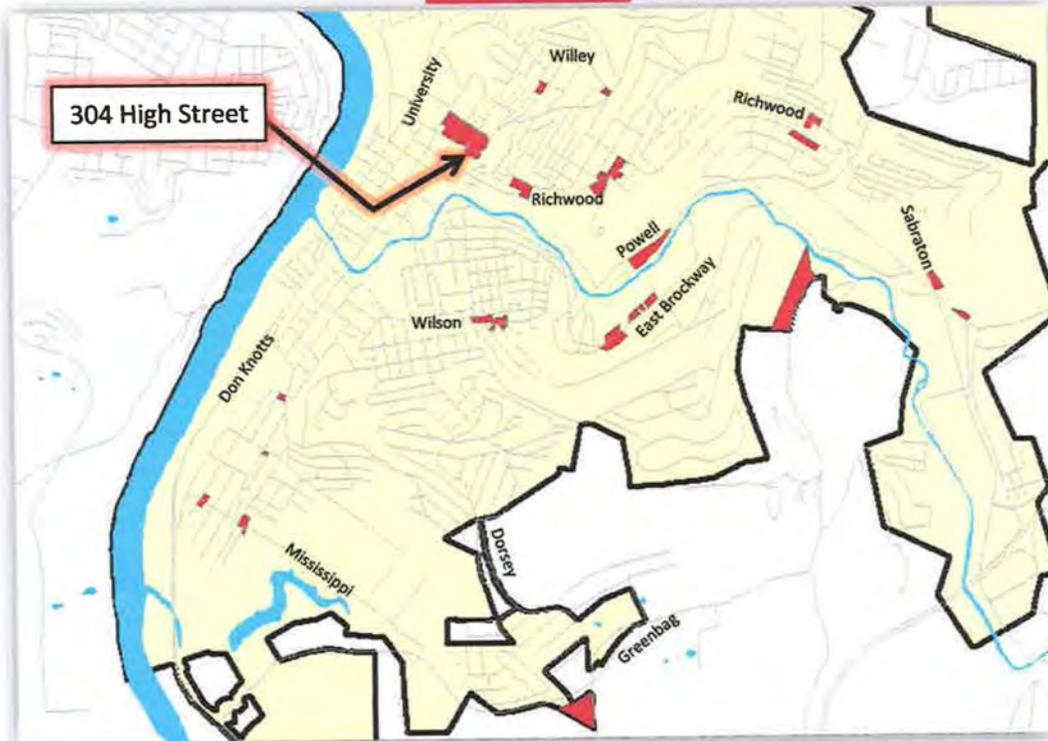
389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

TX15-04 / Companion Care Corporation / Permitted Land Uses



B-1 Districts





City of Morgantown, West Virginia

APPLICATION FOR ZONING TEXT AMENDMENT

OFFICE USE	
CASE NO.	TXT15-04
RECEIVED:	
COMPLETE:	

Zoning Code Text Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT		
Name:	Companion Care Corporation (344 Willey)	Phone: 304-292-9474
Mailing Address:	314 Scott Avenue	Mobile: 304-276-6509
	Street Morgantown WV 26508	Email: jpmunsey@gmail.com
	City State Zip	
II. PROPOSED TEXT AMENDMENT		
Section of the Zoning Code to be Amended:		
Summary of Proposed Text Amendment (an additional sheet may be attached hereto):	<p>Requesting a change in Table 1331.05.01 so that "Two Family Dwelling" uses are permitted in the B-1 District either by right or with conditional use approval from the BZA. JPM</p>	
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 ordinances governing this type of application will be complied with whether specified herein or not. The granting of an approval does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating same. This application has not been requested within the past year.		
Jerome P Munsey	Jerome P Munsey	9/11/2015
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

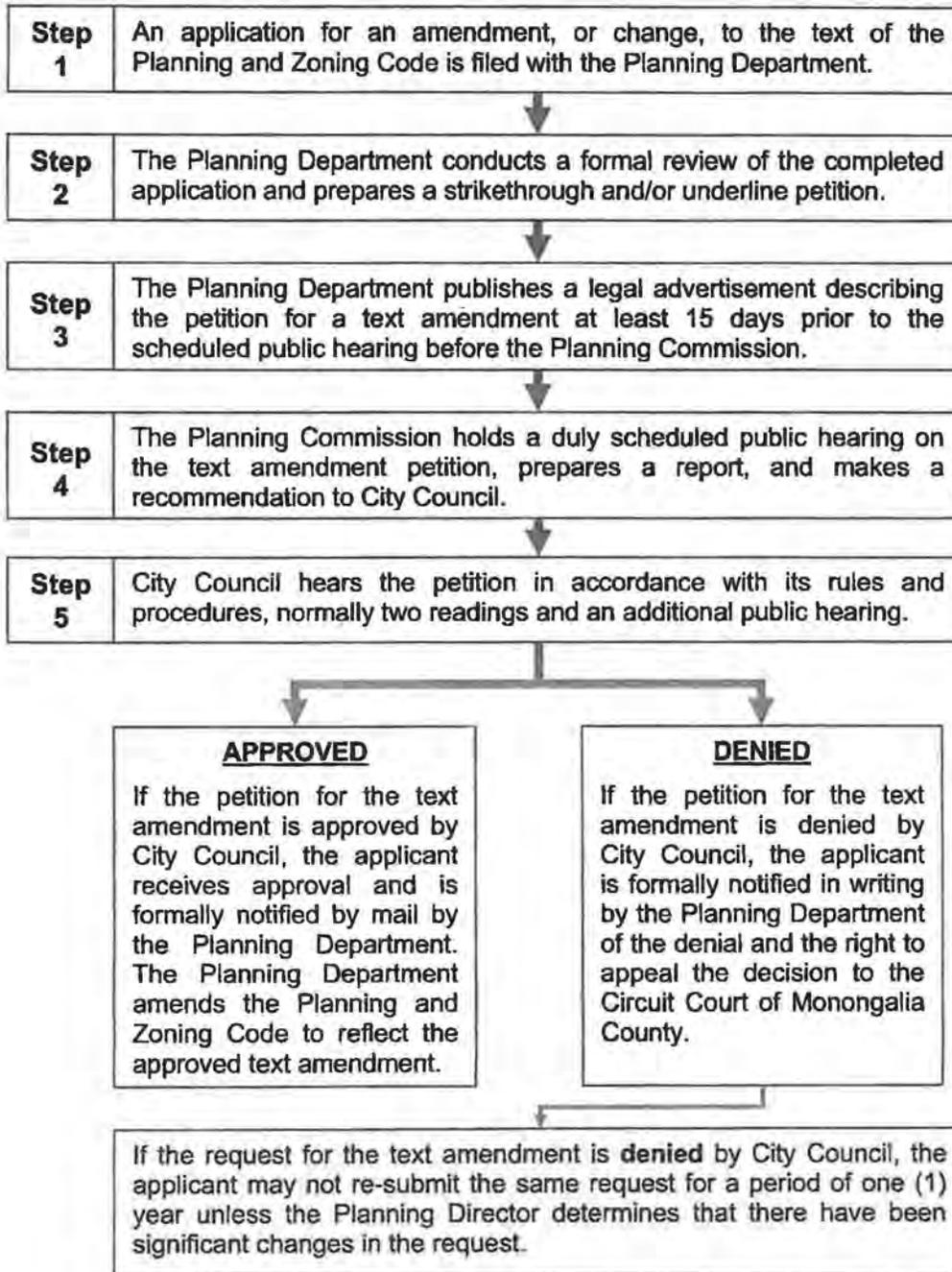
75.00 paid



APPLICATION FOR ZONING TEXT AMENDMENT

OFFICE USE	
CASE NO.	TKT15-04
RECEIVED:	_____
COMPLETE:	_____

ADDENDUM A - Zoning Code Text Amendment Process



ORDINANCE NO. _____

AN ORDINANCE AMENDING TABLE 1331.05.01 "PERMITTED LAND USES" OF THE PLANNING AND ZONING CODE AS IT RELATES TO "TWO-FAMILY DWELLING" USES IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT.

The Morgantown City Council hereby ordains that Table 1331.05.01 "Permitted Land Uses" of the City's Planning and Zoning Code is amended as follows (new matter underlined):

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
Dwelling, Two-family			P	P	P	<u>C</u>		C				

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk



Development Services
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: 19 OCT 2015
To: Jeff Mikorski, City Manager via email
Linda Tucker, City Clerk via email
RE: City Council Committee of the Whole Agenda – 27 OCT 2015
RZ15-07 / Administrative / Annexation by City of Morgantown

During its 10 SEP 2015 hearing, the Planning Commission voted unanimously to forward a recommendation to City Council to APPROVE the above referenced Zoning Map Amendment petition concerning realty annexed under City Council Ordinance No. 15-48.

Attached herewith are the related Staff Report presented to the Planning Commission and the draft ordinance. The following dates will keep to standard Planning and Zoning Code Map Amendment protocol:

City Council Meetings

Committee of the Whole..... Tuesday, October 27, 2015; 7:00 PM
City Council Chambers

1st Reading: Tuesday, November 3, 2015; 7:00 PM
City Council Chambers

Public Hearing and 2nd Reading:..... Tuesday, December 1, 2015; 7:00 PM
City Council Chambers

Please include this item on the City Council meeting agendas noted above and include this communication and attachments in the 27 OCT Committee of the Whole meeting packet. Only the ordinance should be included in the 03 NOV and 01 DEC meeting packets.

Thank you.

Digitally signed by Christopher M. Fletcher, AICP
Date: 2015.10.19 16:49:32 -04'00'

Attachment: RZ15-07 Staff Report and Draft Ordinance

From the Desk of:
Christopher M. Fletcher, AICP
Director of Development Services



MORGANTOWN PLANNING COMMISSION

September 10, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

STAFF REPORT

CASE NO: RZ15-07 / Administrative / Annexation by City of Morgantown

REQUEST and LOCATION:

Administratively requested Zoning Map Amendment to establish the zoning classification of I-1, Industrial District for realty included in a petition for annexation by the City of Morgantown under Ordinance No. 2015-48.

TAX MAP NUMBER(s):

Parcels 1.2, 1.3, 3, 4.5, 4.6, and 52 of Tax Map 22 in Union District; Parcels 78.16, 78.17, 78.18, and 101.6 of Tax Map 20 in Union District; and, Parcels 4.1, 6.1, and 7.4 of Tax Map 7 in Morgan District.

SURROUNDING ZONING:

South: I-1, Industrial District

BACKGROUND and ANALYSIS:

On 04 AUG 2015, City Council enacted Ordinance No. 2015-48 approving the City of Morgantown's annexation by petition for realty on the northeast side of the Morgantown Municipal Airport (see attached ordinance). The subject realty was assembled by the County and then transferred to the City of Morgantown for the purpose of constructing the to-be-named road connecting County Route 857 to the West Virginia National Guard's Morgantown Readiness Center and the planned Airport Business Park.

West Virginia State Code 8A-7-1 provides that, "A zoning ordinance shall cover a municipality's entire jurisdiction." As such, municipalities must amend their respective zoning district maps to include realty that is annexed into their corporate limits.

The graphic to the right is clipped from the 2013 Comprehensive Plan Update, Land Management Map (Page 39). The purple shape generally depicts the approximate alignment of the new roadway, which traverses through an "Encouraged Growth" area identified in the Plan.

Additionally, the "Airport Technology Park" is identified on Page 47 of the Plan as "Area of Opportunity No. 9" and notes that, "Construction of the new West Virginia National Guard Readiness Center will open access to approximately 90 additional acres for the development of light industry, manufacturing, office uses."



Development Services Department

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

September 10, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

The zoning classification for the entire airport property is I-1, Industrial District. The area around the subject annexation is within the unincorporated portion of Monongalia County that is not included in the West Run Planning District where zoning regulations have been enacted by the County.

It appears prudent and proper to establish the I-1, Industrial District zoning classification for the realty included in the subject annexation based on the following findings:

1. The subject access road was reflected in the 2013 Comprehensive Plan Update as an essential public facility to, "...diversify the community's employment and industry base." [2013 Comprehensive Plan Update, Page 47]
2. The business / industrial park on the east side of the Morgantown Municipal Airport is, "...well-situated near the Interstate 68 / Pierpont Road exit and the Morgantown Municipal Airport and properties adjoining the airport along Hartman Run Road." [2013 Comprehensive Plan Update, Page 47]
3. The Plan notes that, "Continued growth of the commercial and corporate traffic at the airport and efforts to extend the runway will contribute to related market opportunities." [Page 48]
4. The zoning classification for the entire Morgantown Municipal Airport is I-1, Industrial District.
5. The following Plan Implementation Strategies support furthering the I-1 District classification for realty directly related to the Airport and the planned business / industrial / technology park: [See Plan Chapter 9]
 - a. TR 8.1 – Implementation of the 2012 Morgantown Municipal Airport Master Plan.
 - b. ED 5.3 – Target marketing recommendations for the planned airport business / industrial / technology park.
 - c. ED 5.4 – Expand infrastructure development for the West Virginia National Guard Readiness Center for airport park economic development.
 - d. ED 5.5 – Support construction of a light manufacturing business incubator building in the airport business / industrial / technology park.

STAFF RECOMMENDATION:

It is the opinion of the Planning Division that this report responds to Article 1331.04 "Annexation" of Planning and Zoning Code by giving careful consideration of the principles and directives of the 2013 Comprehensive Plan Update.

Staff advises the Commission to forward a recommendation to City Council to amend the Official Zoning District Map by classifying the property annexed into the City of Morgantown by Ordinance 2015-48 as I-1, Industrial District.

**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

**AN ORDINANCE ANNEXING PROPERTY IN UNION AND GRANT DISTRICTS
ADJACENT TO THE MORGANTOWN MUNICIPAL AIRPORT INTO THE
CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN**

WHEREAS, West Virginia Code section 8-6-4 permits a municipality to order annexation of additional territory by ordinance without a vote if a majority of freeholders and qualified voters petition for such annexation; and

WHEREAS, all freeholders in the territory subject of the attached "Petition for Annexation," which is incorporated in this Ordinance by reference, have petitioned for annexation and no qualified voters, as defined by *W. Va. Code* § 8-6-4, are present in the territory; and

WHEREAS, the City has enumerated and verified the total number of eligible petitioners in each category and is satisfied that the petition is sufficient in every respect and that the territory to be annexed is contiguous to the current municipal boundaries;

NOW, THEREFORE, the City of Morgantown hereby ordains as follows:

- (1) That the territory described in the Petition for Annexation, containing 14.50 acres, more or less, in Grant and Union Districts, Monongalia County, West Virginia, as more fully described in the Petition for Annexation and exhibit thereto, shall be annexed into the City of Morgantown;
- (2) That the City Clerk is directed to enter upon the journal of the City the finding that the Petition for Annexation is sufficient in every respect and forward a certificate to that effect to the County Commission of Monongalia County, West Virginia, pursuant to *W. Va. Code* § 8-6-4(g), notifying the Commission that it shall enter an order as described in *W. Va. Code* § 8-6-3 describing the annexation of the additional territory to the corporate limits of the City of Morgantown.

FIRST READING: July 7, 2015

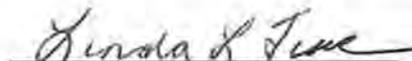
ADOPTED: July 21, 2015

FILED: July 22, 2015

RECORDED: July 22, 2015



Mayor



City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 14.50 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-48 BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification of the 14.50 acres, more or less, of additional territory that was annexed into the City of Morgantown by Ordinance 15-48 be designated as I-1, Industrial District as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein.
2. That the Official Zoning Map be accordingly changed to show said zoning classification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk



Development Services
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: 21 OCT 2015
To: Jeff Mikorski, City Manager via email
Linda Tucker, City Clerk via email
RE: City Council Committee of the Whole Agenda – 27 OCT 2015
RZ15-08 / Administrative / Annexation by WWYD, LLC

During its 10 SEP 2015 hearing, the Planning Commission voted unanimously to forward a recommendation to City Council to APPROVE the above referenced Zoning Map Amendment petition concerning realty annexed under City Council Ordinance No. 15-60.

Attached herewith are the related Staff Report presented to the Planning Commission and the draft ordinance. The following dates will keep to standard Planning and Zoning Code Map Amendment protocol:

City Council Meetings

Committee of the Whole..... Tuesday, October 27, 2015; 7:00 PM
City Council Chambers

1st Reading: Tuesday, November 3, 2015; 7:00 PM
City Council Chambers

Public Hearing and 2nd Reading:..... Tuesday, December 1, 2015; 7:00 PM
City Council Chambers

Please include this item on the City Council meeting agendas noted above and include this communication and attachments in the 27 OCT Committee of the Whole meeting packet. Only the ordinance should be included in the 03 NOV and 01 DEC meeting packets.

Thank you.

Digitally signed by Christopher M. Fletcher, AICP
Date: 2015.10.21 09:44:05 -04'00'

Attachment: RZ15-08 Staff Report and Draft Ordinance

From the Desk of:
Christopher M. Fletcher, AICP
Director of Development Services

Page 1 of 1



MORGANTOWN PLANNING COMMISSION

September 10, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

STAFF REPORT

CASE NO: RZ15-08 / Administrative / Annexation by WWYD, LLC

REQUEST and LOCATION:

Administratively requested Zoning Map Amendment to establish the zoning classification of B-5, Shopping Center District for that portion of Parcel 4.6 of Tax Map 6 in Clinton District included in a petition for annexation by WWYD, LLC under Ordinance No. 2015-60.

TAX MAP NUMBER(s):

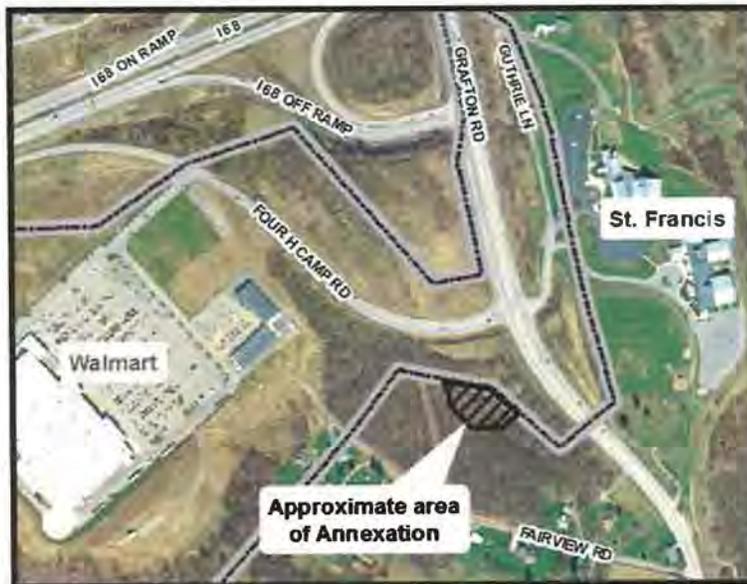
Clinton District, Tax Map 6, part of Parcel 4.6

SURROUNDING ZONING:

North: B-5, Shopping Center District

BACKGROUND and ANALYSIS:

On 18 AUG 2015, City Council enacted Ordinance No. 2015-60 approving WWYD, LLC's annexation by petition for realty near the intersection of U.S. Route 119 (Grafton Road) and County Route 76 (Hornbeck Road) [see attached ordinance]. The annexed realty is a part of the development site for a proposed *Sheetz* establishment. The following graphic illustrates the approximate location of the annexed realty.



A portion of the subject *Sheetz* development site is already located within the City's corporate boundaries. Specifically, that portion of the site already within the City was once West Virginia Division of Highways' (WVDOT) right-of-way recently acquired by the developer.

**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

September 10, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

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William Wyant, 3rd Ward

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Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

West Virginia State Code 8A-7-1 provides that, "A zoning ordinance shall cover a municipality's entire jurisdiction." As such, municipalities must amend their respective zoning district maps to include realty that is annexed into their corporate limits.

The graphic to the right is clipped from the 2013 Comprehensive Plan Update, Land Management Map [Page 39]. The purple circle depicts the general location of the WWDY, LLC annexation, which is located within an "Encouraged Growth" concept area identified in the Plan.



The Plan provides that "Encouraged Growth" concept areas illustrated on the Land Management Map are those where, "New growth is encouraged primarily for economic development." [Page 38].

The annexation is also within a "Corridor Enhancement" concept area where development principles include, "Improving development along corridors with a mix of uses, increased intensity at major nodes or intersections and roadway improvements to improve traffic flow, pedestrian and biking experience" [Page 38].

The Planning Commission recommended on January 11, 2007 and City Council later enacted a zoning map amendment to establish the B-5, Shopping Center District classification for realty included in the 2006 annexation that brought into the City portions of WVDOT's U.S. Route 119 (Grafton Road) and County Route 76 (Hornbeck Road) rights-of-way, which extended to and included approximately 55.7 acres developed by Walmart Stores East, LP and four (4) out-parcels. There is no other City of Morgantown zoning districts south of Interstate 68.



Article 1353.01 of the Planning and Zoning Code provides the following purpose for the B-5 District.

"...to permit a group of establishments to be planned, constructed and managed as a total entity. Typically, B-5 Districts are located along major thoroughfares."

It appears prudent and proper to establish the B-5, Shopping Center District zoning classification for the realty included in the subject WWDY, LLC annexation.

Development Services Department

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

September 10, 2015
6:30 PM
City Council Chambers

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Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

STAFF RECOMMENDATION:

It is the opinion of the Planning Division that this report responds to Article 1331.04 "Annexation" of Planning and Zoning Code by giving careful consideration of the principles and directives of the 2013 Comprehensive Plan Update.

Staff advises the Commission to forward a recommendation to City Council to amend the Official Zoning District Map by classifying the property annexed into the City of Morgantown by Ordinance 2015-60 as B-5, Service Business District.

**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

AN ORDINANCE ANNEXING PROPERTY IN CLINTON DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN

WHEREAS, West Virginia Code section 8-6-4 permits a municipality to order annexation of additional territory by ordinance without a vote if a majority of freeholders and qualified voters petition for such annexation; and

WHEREAS, all freeholders in the territory subject of the attached "Petition for Annexation," which is incorporated in this Ordinance by reference, have petitioned for annexation and no qualified voters, as defined by *W. Va. Code* § 8-6-4, are present in the territory; and

WHEREAS, the City has enumerated and verified the total number of eligible petitioners in each category and is satisfied that the petition is sufficient in every respect and that the territory to be annexed is contiguous to the current municipal boundaries;

NOW, THEREFORE, the City of Morgantown hereby ordains as follows:

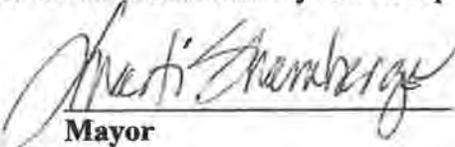
- (1) That the territory described in the Petition for Annexation, being a part of Parcel 4.6 of Tax Map Number 6 in Clinton District, Monongalia County, West Virginia, as more fully described in the Petition for Annexation and exhibit thereto, shall be annexed into the City of Morgantown;
- (2) That the City Clerk is directed to enter upon the journal of the City the finding that the Petition for Annexation is sufficient in every respect and forward a certificate to that effect to the County Commission of Monongalia County, West Virginia, pursuant to *W. Va. Code* § 8-6-4(g), notifying the Commission that it shall enter an order as described in *W. Va. Code* § 8-6-3 describing the annexation of the additional territory to the corporate limits of the City of Morgantown.

FIRST READING: August 4, 2015

ADOPTED: August 18, 2015

FILED: August 19, 2015

RECORDED: August 19, 2015



Mayor



City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 0.76 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-60 BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

- 1. That the zoning classification of the 0.76 acres, more or less, of additional territory that was annexed into the City of Morgantown by Ordinance 15-60 be designated as B-5, Shopping Center District as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein.
- 2. That the Official Zoning Map be accordingly changed to show said zoning classification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

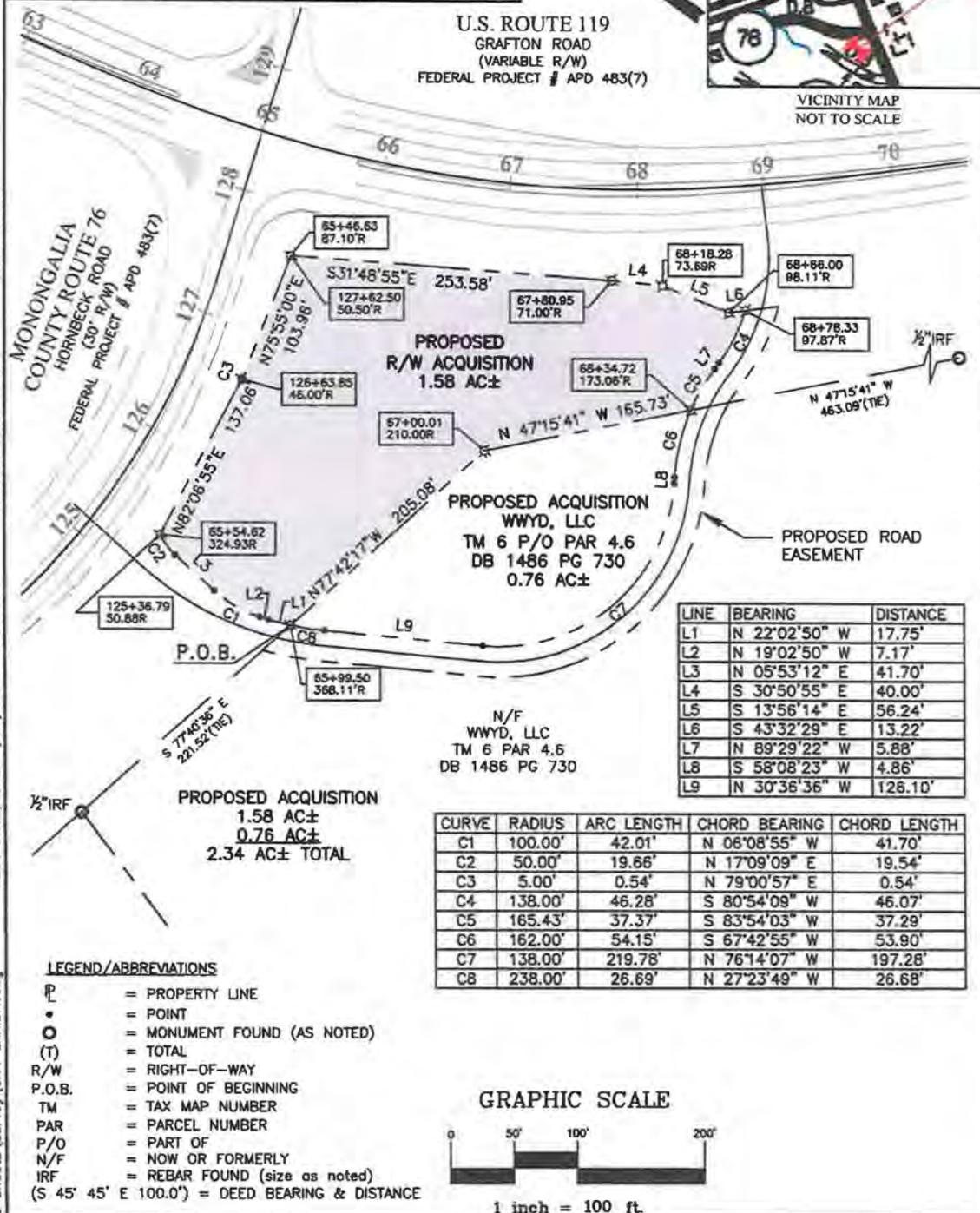
RECORDED:

City Clerk

NOTE: THE TRACTS SHOWN BEING PART OF THE SAME LANDS CONVEYED TO WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS ACQUIRED AS PART OF FEDERAL PROJECT # APD 483(7) SHEETS 15 & 16 AND PART OF THE SAME LANDS CONVEYED TO WWYD, LLC FROM 3M REALTY, LLC AS RECORDED IN DEED BOOK 1486 PAGE 730 AT THE OFFICE OF THE CLERK, MONONGALIA COUNTY, WEST VIRGINIA.



USER: cirvine
LAYOUT: DOH EXHIBIT
PLOT DATE/TIME: 4/28/2015 - 10:55am
CAD FILE: R:\030-2431 WWDD- Rt 119 Sheetz\Survey\CITY EXHIBIT.dwg

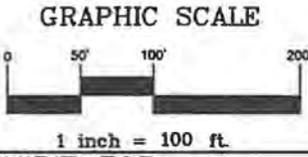


LINE	BEARING	DISTANCE
L1	N 22°02'50" W	17.75'
L2	N 19°02'50" W	7.17'
L3	N 05°53'12" E	41.70'
L4	S 30°50'55" E	40.00'
L5	S 13°56'14" E	56.24'
L6	S 43°32'29" E	13.22'
L7	N 89°29'22" W	5.88'
L8	S 58°08'23" W	4.86'
L9	N 30°36'36" W	126.10'

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	100.00'	42.01'	N 06°08'55" W	41.70'
C2	50.00'	19.66'	N 17°09'09" E	19.54'
C3	5.00'	0.54'	N 79°00'57" E	0.54'
C4	138.00'	46.28'	S 80°54'09" W	46.07'
C5	165.43'	37.37'	S 83°54'03" W	37.29'
C6	162.00'	54.15'	S 67°42'55" W	53.90'
C7	138.00'	219.78'	N 76°14'07" W	197.28'
C8	238.00'	26.69'	N 27°23'49" W	26.68'

LEGEND/ABBREVIATIONS

- = PROPERTY LINE
- = POINT
- = MONUMENT FOUND (AS NOTED)
- (T) = TOTAL
- R/W = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING
- TM = TAX MAP NUMBER
- PAR = PARCEL NUMBER
- P/O = PART OF
- N/F = NOW OR FORMERLY
- IRF = REBAR FOUND (size as noted)
- (S 45° 45' E 100.0') = DEED BEARING & DISTANCE



**EXHIBIT FOR
CITY OF MORGANTOWN**

MISC. INFO: BEARINGS BASED ON WEST VIRGINIA STATE PLANE NORTH ZONE NAD 83 (CORS)
TRIMBLE S3 TOTAL STATION
◊ = 3/4" * 30" REBAR SET

THRASHER
THE THRASHER GROUP, INC.
600 WHITE OAKS BLVD.
BRIDGEPORT, WV 26330
PHONE 304-624-4108

TAX MAP N/A
PARCEL No. N/A
JOB. No. 030-2431
OWNER: WWYD, LLC
REFERENCE: DB PG DB 1486 PG 730

SHOWING PROPOSED AREA TO BE INCORPORATED on UNITED STATES ROUTE 119 (GRAFTON ROAD) MONONGALIA COUNTY ROUTE 76 (HORNBECK ROAD) SITUATE MONONGALIA COUNTY WEST VIRGINIA
SCALE: 1" = 100'
APRIL 2015
DRAWN: CI SURVEY: BK:



Development Services
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: 21 OCT 2015
To: Jeff Mikorski, City Manager via email
Linda Tucker, City Clerk via email
RE: City Council Committee of the Whole Agenda – 27 OCT 2015
RZ15-10 / Administrative / Annexation Petition by West Virginia University

During its 08 OCT 2015 hearing, the Planning Commission voted unanimously to forward a recommendation to City Council to APPROVE the above referenced Zoning Map Amendment petition concerning realty annexed under City Council Ordinance No. 15-66.

Attached herewith are the related Staff Report presented to the Planning Commission and the draft ordinance. The following dates will keep to standard Planning and Zoning Code Map Amendment protocol:

City Council Meetings

Committee of the Whole..... Tuesday, October 27, 2015; 7:00 PM
City Council Chambers

1st Reading: Tuesday, November 3, 2015; 7:00 PM
City Council Chambers

Public Hearing and 2nd Reading:..... Tuesday, December 1, 2015; 7:00 PM
City Council Chambers

Please include this item on the City Council meeting agendas noted above and include this communication and attachments in the 27 OCT Committee of the Whole meeting packet. Only the ordinance should be included in the 03 NOV and 01 DEC meeting packets.

Thank you.

Digitally signed by Christopher M. Fletcher, AICP
Date: 2015.10.21 10:55:05 -04'00'

Attachment: RZ15-10 Staff Report and Draft Ordinance

From the Desk of:
Christopher M. Fletcher, AICP
Director of Development Services

Page 1 of 1



MORGANTOWN PLANNING COMMISSION

October 8, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kaweckí, City Council

STAFF REPORT

CASE NO: RZ15-10 / Administrative / Annexation Petition by West Virginia University

REQUEST and LOCATION:

Administratively requested Zoning Map Amendment to establish the zoning classification of B-5, Shopping Center District for that territory included in a petition for annexation by West Virginia University.

TAX MAP NUMBER(s):

Morgan District, Tax Map 4, Parcel 19 and part of Parcels 18.5 and 20 as well as 2.12 acres, more or less, owned by the West Virginia Department of Transportation, Division of Highways and not assigned a Tax Map and Parcel designation.

SURROUNDING ZONING:

North: B-5, Shopping Center District

BACKGROUND and ANALYSIS:

At its 29 SEP 2015 Committee of the Whole meeting, City Council moved an ordinance forward to its business agenda, which is scheduled for 06 OCT 2015, that would approve West Virginia University's annexation by petition for territory near the State Route 705 and Research Park Drive intersection [see attached draft ordinance]. The territory to be annexed is the site of a proposed private shopping center development. The following graphic illustrates the approximate location of the territory planned for annexation.



**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

October 8, 2015
6:30 PM
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William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

The legal description included in the exhibit of the attached draft ordinance notes the area of the territory included in the annexation is approximately 4.20 acres, approximately 2.12 acres of which is a part of WVDOH's State Route 705 right-of-way.

West Virginia State Code 8A-7-1 provides that, "A zoning ordinance shall cover a municipality's entire jurisdiction." As such, municipalities must amend their respective zoning district maps to include realty that is annexed into their corporate limits.

The graphic below is clipped from the 2013 Comprehensive Plan Update, Pattern and Character Map [see Page 27]. The territory included in the WVU annexation is within a "Commercial Corridor" district. These districts are characterized as linear, defined by development along arterial or collector roadways and are auto-oriented and dominated by large single-story buildings setback from the street with parking areas facing the street [see Page 31].



The graphic to the right is clipped from the 2013 Comprehensive Plan Update, Land Management Map [Page 39]. The area hatched in black is generally the territory included in the WVU annexation, which is located next to an "Encouraged Growth" concept area and within the "Corridor Enhancement" and the "Controlled Growth/Traditional Neighborhood" concept areas identified in the Plan.



The Plan provides that "Encouraged Growth" concept areas illustrated on the Land Management Map are those where, "New growth is encouraged primarily for economic development." [Page 38].

The "Corridor Enhancement" concept areas include development principles of, "Improving development along corridors with a mix of uses, and increased intensity at major nodes or intersections and roadway improvements to improve traffic flow, pedestrian and biking experience" [Page 38].

Development Services Department

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
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MORGANTOWN PLANNING COMMISSION

October 8, 2015
6:30 PM
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The "Controlled Growth / Traditional Neighborhood Area" are areas where growth is not strongly encouraged but where mixed-use development could be supported because of proximity to planned or existing roadways and utilities. Additionally, care should be taken to ensure that new development is compatible with existing development patterns in the area [Page 38].

Article 1353.01 of the Planning and Zoning Code provides the following purpose for the B-5, Shopping Center District.

"...to permit a group of establishments to be planned, constructed and managed as a total entity. Typically, B-5 Districts are located along major thoroughfares."

As illustrated in the graphic below, the zoning classification for realty within the City of Morgantown and adjoining the subject annexation is B-5, Shopping Center District.



As Addendum A of this report illustrates, the territory to be annexed is situated along one of the highest annual average daily traffic (AADT) corridors in Monongalia County.

Suncrest Towne Centre is located in the opposite quadrant of the State Route 705 and Research Park Drive intersection from the territory to be annexed. The large tract to the north of the annexation area is the planned WVU Research Park. Additionally, the pattern and character of development along Maple Drive west of the annexation area, which is located in the unincorporated area of Monongalia County, is illustrated on Page 27 of the 2013 Comprehensive Plan Update as a "Commercial Corridor" district.

It appears prudent and proper to establish the B-5, Shopping Center District zoning classification for the realty included in the pending West Virginia University annexation.

STAFF RECOMMENDATION:

It is the opinion of the Planning Division that this report responds to Article 1331.04 "Annexation" of Planning and Zoning Code by giving careful consideration of the principles and directives of the 2013 Comprehensive Plan Update.

Staff advises the Commission to forward a recommendation to City Council to amend the Official Zoning District Map by classifying the approximate 4.02 acres of territory included in the subject West Virginia University petition for annexation as B-5, Shopping Center District, contingent of course upon City Council's final annexation of same.

**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

October 8, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

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Carol Pyles, 7th Ward

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Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

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Bill Kawecki, City Council

ADDENDUM A

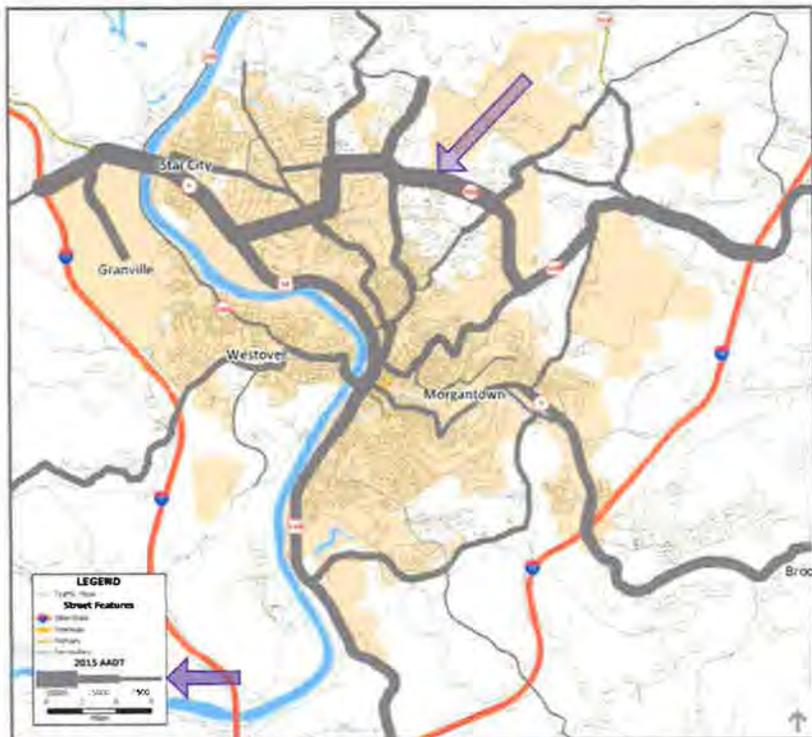
The following graphic is clipped from the Morgantown Monongalia MPO's 2015 Annual Traffic Report [Page 3]. Purple arrows have been added to emphasize the location of the subject annexation area and the 2015 AADT scale in the map legend.

2015 Annual Traffic Report

3. TRAFFIC VOLUMES

2015 TRAFFIC FLOW MAP

The traffic flow map estimates the traffic volume of a road segment, based on the AADT collected from the count station on that road. The MPO staff converted the point data of individual count stations to linear data representing sections of major roadways, on which counts were conducted or traffic volume could be reasonably estimated from nearby count stations.



Development Services Department

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

Morgantown Monongalia MPO (June 2014)

AN ORDINANCE ANNEXING PROPERTY OF THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS AND WEST VIRGINIA DEPARTMENT OF TRANSPORTATION IN MORGAN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN

WHEREAS, West Virginia Code section 8-6-4 permits a municipality to order annexation of additional territory by ordinance without a vote if a majority of freeholders and qualified voters petition for such annexation; and

WHEREAS, a majority of freeholders in the territory subject of the attached "Petition for Annexation," which is incorporated in this Ordinance by reference, have petitioned for annexation and no qualified voters, as defined by *W. Va. Code* § 8-6-4, are present in the territory; and

WHEREAS, the City has enumerated and verified the total number of eligible petitioners in each category and is satisfied that the petition is sufficient in every respect and that the territory to be annexed is contiguous to the current municipal boundaries;

NOW, THEREFORE, the City of Morgantown hereby ordains as follows:

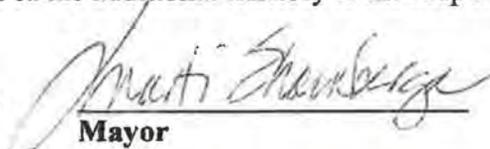
- (1) That the territory described in the Petition for Annexation, being Parcel 19, and part of Parcels 18.5 and 20, of Tax Map Number 4 in Morgan District, Monongalia County, West Virginia, and a parcel consisting of 2.12 acres, more or less, owned by the West Virginia Department of Transportation, Division of Highways, and not assigned a Map and Parcel designation, all as more fully described in the Petition for Annexation and exhibit thereto, shall be annexed into the City of Morgantown;
- (2) That the City Clerk is directed to enter upon the journal of the City the finding that the Petition for Annexation is sufficient in every respect and forward a certificate to that effect to the County Commission of Monongalia County, West Virginia, pursuant to *W. Va. Code* § 8-6-4(g), notifying the Commission that it shall enter an order as described in *W. Va. Code* § 8-6-3 describing the annexation of the additional territory to the corporate limits of the City of Morgantown.

FIRST READING: October 6, 2015

ADOPTED: October 20, 2015

FILED: October 21, 2015

RECORDED: October 21, 2015



Mayor



City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 4.20 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-66 BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification of the 4.20 acres, more or less, of additional territory that was annexed into the City of Morgantown by Ordinance 15-66 be designated as B-5, Shopping Center District as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein.
2. That the Official Zoning Map be accordingly changed to show said zoning classification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

**PLAT OF LANDS
MADE FOR
EXHIBIT
FEON REALTY
(705 PROPERTY)
MORGAN DISTRICT
MONONGALIA COUNTY, WEST VIRGINIA**

SCALE: 1"=100'
DATE: JANUARY 28, 2015
REVISED: SEPTEMBER 17, 2015
DRAWN BY: JFS
CTL JOB NO. 1510003WV

**CTL Engineering of
West Virginia, Inc.**

723 Piedmont Road
Martinsburg, WV 25401
Phone: 304.293.1100
Fax: 304.293.1144

PATRIK E. GALLAGHER, P.S. #1352



CTL & STATE MAPPING - SURVEYING & MAPPING
INSTRUMENTAL - SURVEYING - PHOTOGRAPHIC - TESTING
& CONSTRUCTION OBSERVATION - LAYOUTS

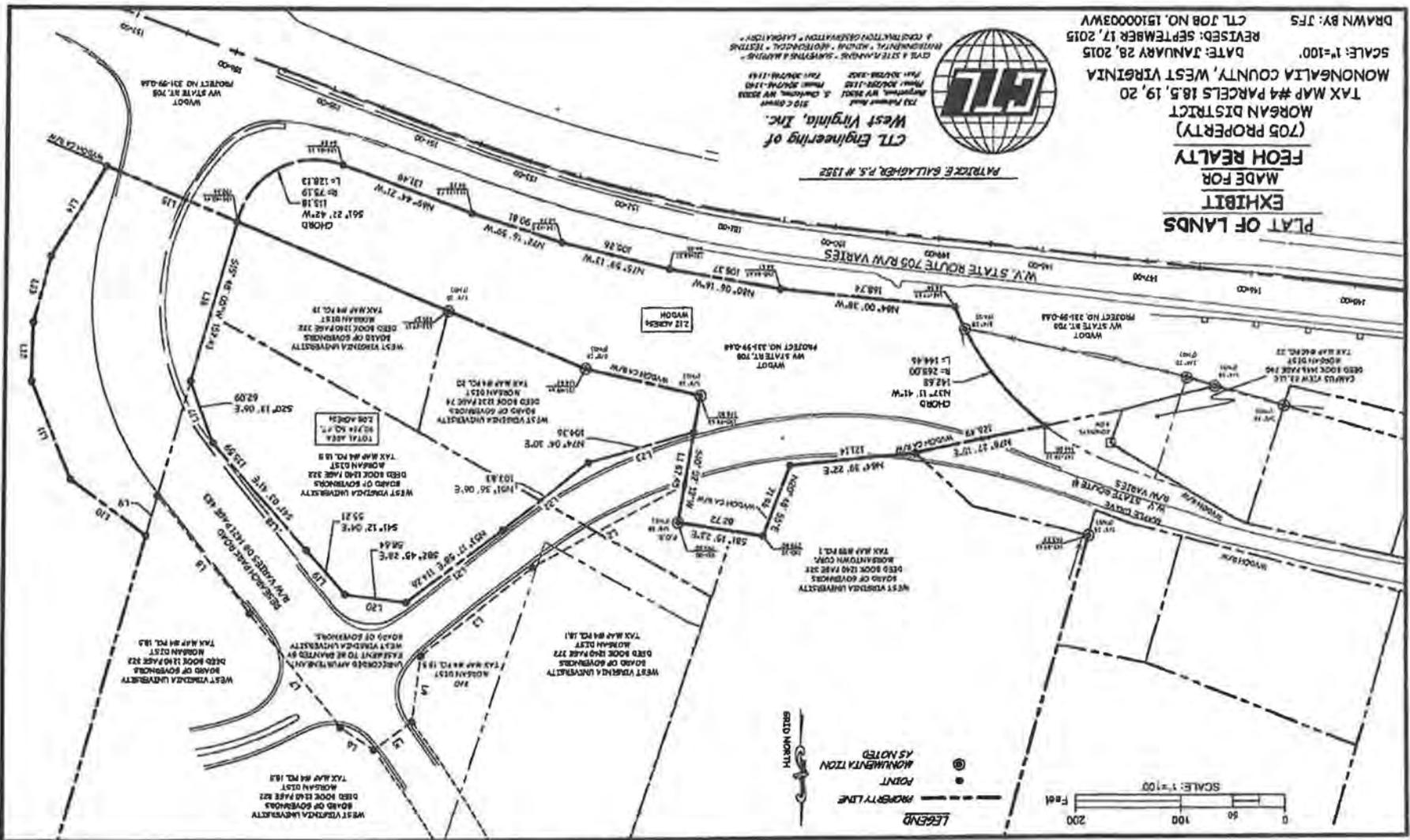


EXHIBIT - ANNEXATION AREA