



2012 ANNUAL REPORT

Morgantown Planning Commission

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

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

The Morgantown Planning Commission respectfully submits herewith its 2012 Annual Report. The Planning Commission also extends its sincere appreciation to City Council, City Administration, and the Morgantown community for the cooperative commitment toward the principles of enhancing the quality of life and the design of our city; fostering innovative planning; promoting distinctive neighborhoods and a healthy downtown; supporting sustainable community and economic development; and, involving citizens in the decisions that affect them.

Morgantown Land Use Planning Milestones

- 1944.....City Council adopted first Zoning Ordinance
- 1959.....West Virginia Planning Enabling Act Adopted
- 1961.....City’s First Comprehensive Plan Adopted
- 1970.....Comprehensive Plan Updated
- 1979First City Planner Hired
- 1999.....Comprehensive Plan Update Adopted
- 2006.....Planning & Zoning Code Modernized and Codified
- 2010.....Downtown Strategic Plan Update Adopted
- 2013.....Anticipated Comprehensive Plan Update Adoption



2012 Planning & Zoning Cases

The following table illustrates the caseload for the Planning Commission and Board of Zoning Appeals during the 2010, 2011, and 2012 calendar years.

PC	BZA	Number of Applications			2012 Actions			
		2010	2011	2012	Pending	Approved	Denied	W/drawn
Site Plans (DSI / MDSI)		11	8	5	0	5	0	0
Minor Subdivisions		14	25	22	0	22	0	0
Major Subdivisions		1	0	1	0	1	0	0
Map Amendments		3	3	5	0	3	1	1
Text Amendments		6	2	3	1	1	0	1
Variances		33	48	40	0	40	0	0
Conditional Uses		18	16	21	0	21	0	0
Administrative Appeals		2	1	2	0	0	2	0
TOTAL		88	103	99	1	93	3	2

Citizen Planners

The success of local planning policies, programming, and services depends largely on the commitment and integrity of residents appointed by the Morgantown City Council to serve on various planning-related commissions, boards, and committees. Morgantown is fortunate to enjoy a well-informed public that is willing to serve the role of "Citizen Planner." The following table identifies these volunteers and their respective terms as of January 1, 2013.

Citizen Planner	Date of Original Appointment	Current Term	Tenure (in months)
Planning Commission			
Peter DeMasters, President 6 th Ward Representative	03/21/06	01/01/11 – 12/31/13	82.5
Carol Pyles, Vice-President 7 th Ward Representative	09/17/08	01/01/13 – 12/31/15	53.5
Sam Loretta 1 st Ward Representative	06/20/06	01/01/12 – 12/31/14	79.5
Tim Stranko 2 nd Ward Representative	03/21/07	01/01/12 – 12/31/14	70.5
William Wyant 3 rd Ward Representative	07/20/10	01/01/11 – 12/31/13	30.5
William Petros 4 th Ward Representative	01/19/10	01/01/13 – 12/31/15	36.5
Michael Shuman 5 th Ward Representative	08/04/09	01/01/13 – 12/31/15	42
Jennifer Selin City Councilor	07/02/07	City Council term ending 06/30/13	67
Dr. Ken Martis Administration Representative	05/01/01	at will of City Manager	141.5
<i>PC Tenure Summary:</i> Total: 603.5 mos. or 50.3 yrs. Average: 67 mos. or 5.6 yrs.			
Board of Zoning Appeals			
Bernie Bossio, Chair	01/04/05	01/01/12 – 12/31/14	97.5
Leanne Cardoso, Vice-Chair	08/21/07	01/01/13 – 12/31/15	65.5
George Papandreas	02/06/08	01/01/12 – 12/31/14	60
James Shaffer	02/07/06	01/01/13 – 12/31/15	84
Tom Shamberger	02/06/08	01/01/11 – 12/31/13	60
<i>BZA Tenure Summary:</i> Total: 367 mos. or 30.6 yrs. Average: 73.4 mos. or 6.1 yrs.			

The tenure trends illustrated in the table above for the Morgantown's Planning Commission and Board of Zoning Appeals demonstrates a high level of stability, understanding, commitment, capacity, and leadership among these volunteer committees that Morgantown is very fortunate to enjoy.

The following table identifies attendance trends for the 2010, 2011, and 2012 calendar years. Please note that six (6) Planning Commission hearings and two (2) Board of Zoning Appeals hearings were canceled during this period due to the lack of respective business matters.

Citizen Planner	2010		2011		2012		Attendance Rate
	Absent	Present	Absent	Present	Absent	Present	
Planning Commission							
Peter DeMasters, Pres. 6 th Ward Representative	0	9	1	11	0	10	97%
Carol Pyles, Vice-Pres. 7 th Ward Representative	1	8	3	9	3	7	77%
Sam Loretta 1 st Ward Representative	0	9	3	9	2	8	84%
Tim Stranko 2 nd Ward Representative	1	8	3	9	3	7	77%
Barbara Ferrell 3 rd Ward Representative	3	2	N/A	N/A	N/A	N/A	40%
William Wyant 3 rd Ward Representative	0	2	3	9	0	10	88%
William Petros 4 th Ward Representative	1	7	0	12	4	6	83%
Michael Shuman 5 th Ward Representative	2	7	1	11	2	8	84%
Jennifer Selin City Councilor	1	8	2	10	1	9	87%
Dr. Ken Martis Administration Representative	0	9	3	9	3	7	81%
Board of Zoning Appeals							
Bernie Bossio, Chair	2	8	1	11	2	10	85%
Leanne Cardoso, Vice-Chair	2	8	2	10	1	11	85%
George Papandreas	3	7	2	10	2	10	79%
James Shaffer	3	7	5	7	4	8	65%
Tom Shamberger	0	10	0	12	2	10	94%

Planned Unit Developments (PUDs)

As of January 1, 2013, there have been six (6) Planned Unit Development (PUD) Outline Plans recommended by the Planning Commission and approved by City Council. The following narrative provides a brief update on the history and status for each PUD.

- **Square at Falling Run** – PUD Outline Plan was approved in 2003. Phase I to construct “The Augusta” was completed and tenants occupied the buildings in September 2007. A temporary certificate of occupancy was issued pending, among others, the development of at least 124 permanent parking spaces. The Planning Division reports that the developer has since filed bankruptcy and most if not all of the related realty has been acquired by West Virginia University. Once all related pending litigation has been concluded, the Planning Commission will submit a recommendation to City Council to rescind the PUD zoning designation.
- **SC Bodner** – PUD Outline Plan was approved in 2006 and an amendment approved in 2008. The construction of “Mountaineer Place Apartments” has been completed and occupancy permits issued Fall 2010. The only remaining element is a gateway enhancement project within the Stewart Street and University Avenue right-of-way, which will satisfy the PUD’s open space requirement. The Planning Division reports that Construction Business and Occupation Tax revenues generated by the development were earmarked by the Office of City Manager for this project along with a financial commitment made by “Sunnyside Up”. The Planning Division reports that once all revenues are collected, thereby maximizing the project budget and design elements, construction will be initiated soon thereafter.
- **Grand Central Apartments** – PUD Outline Plan was approved in 2007 and an amendment approved in December 2008. The amendment approval included, among others, a condition that the PUD Development Plan be reviewed and approved by the Planning Commission within 18 months following City Council approval of the Outline Plan. The PUD Development Plan was not submitted and City Council, with the recommendation of the Planning Commission, consequentially enacted Ordinance 10-34 in September 2010 rescinding the PUD designation and reclassifying the subject realty to its previous zoning.
- **Westminster House** – PUD Outline Plan was approved in December 2008 and amendments were approved November 2009, February 2011, October 2011, and December 2011 extending the deadline to submit the PUD Development Plan. City Council, with the recommendation of the Planning Commission and consent of the developer, enacted Ordinance 12-48 in November 2012 rescinding the PUD designation and reclassifying the subject realty to its previous zoning. In addition, the Planning Commission approved a temporary use to allow leased parking spaces on the property’s gravel lots through June 30, 2013.
- **Habitat for Humanity** – PUD Outline Plan was approved in July 2009 and an amendment was approved February 2011 to extend the deadline to submit the PUD Development Plan. City Council, with the recommendation of the Planning Commission and consent of the developer, enacted Ordinance 12-03 in January 2012 rescinding the PUD designation and reclassifying the subject realty to its previous zoning.
- **Beech View Place** – PUD Outline Plan was approved in March 2010. Construction is currently underway with project delivery targeted for August 2013.

2013 Planned Activities

- **Comprehensive Plan Update** – In December 2011, the City of Morgantown, Town of Star City, and the Morgantown-Monongalia Metropolitan Planning Organization (MMMPO) embarked in an unprecedented collaborative effort to develop a shared vision for the future of the region. The process, called “Crossroads – It’s Time to Chart Our Future,” engaged a diverse group of stakeholders, citizens and community leaders in identifying needs, aspirations, and the preferred direction of the future growth for Monongalia County. The vision serves as a foundation for three plans: the City of Morgantown’s Comprehensive Plan Update, the Town of Star City’s Comprehensive Plan Update, and the MMMPO’s regional Long-Range Transportation Plan (LRTP). Attendance during the various group and one-on-one interviews and public workshops over the past thirteen months has included (separately) over 350 participants. Presentation of the final document to City Council for adoption is anticipated in the second quarter of 2013. Immediately following adoption, the Planning Commission will be prioritizing strategies and initiating implementation that will include scheduled status reporting.
- **2010 Downtown Strategic Plan Implementation** – The Planning Commission has prioritized the catalytic projects identified in the Downtown Strategic Plan. Planning Division staffing levels since the adoption of the plan and the obligations of updating the Comprehensive Plan have stalled staff initiated implementation tasks. However, several of the catalytic Downtown Strategic Plan projects will be folded into, as intended, Comprehensive Plan Update implementation. Related Planning and Zoning Code text and map amendment recommendations to City Council are anticipated to begin during the 2013 calendar year.
- **Citizen Planner Training** – As of January 1, 2013, there are no members of the Planning Commission or the Board of Zoning Appeals filling unexpired terms. This membership stability appears to be the first in several years and is particularly critical now as the City pursues the Comprehensive Plan Update adoption and implementation. The “Crossroads” planning project has created opportunities for training partnerships for the members of Planning Commissions and Boards of Zoning Appeals of Morgantown, Star City, and Monongalia County. Of particular note is a potential partnership the Planning Division is engaging with WVU’s College of Law Land Use and Sustainable Development Law Clinic and their efforts to develop citizen planner training programming statewide and their new “Mountain State Land Use Academy.”
- **Modernization of Planning and Zoning Code Fee Schedule** – Fees associated with Planning and Zoning Code related applications and petitions have remained the same for a number of years. The Planning Division will be asked to conduct a cost revenue analysis and compare same to related planning and zoning fee schedules within the region and across the state. As the fee schedule is a part of the Planning and Zoning Code, amendments, if warranted, may be recommended by the Planning Commission to City Council during the 2013 calendar year.
- **Modernization of Subdivision Regulations** – The Planning Commission and City Council completed the lengthy task of modernizing and codifying the City’s zoning regulations in 2006. The fundamental purpose of this endeavor was to implement progressive land use policies and strategies as well as comply with the State Legislature’s similar effort in 2004 to modernize the State’s Planning Enabling Law. Changes in State Code have created opportunities to streamline the review and approval of subdivision petitions. Incorporating these opportunities in Morgantown’s Planning and Zoning Code requires a major amendment to the City’s subdivision regulations. This project remains a priority and will require General Fund support to outsource the project. Given the pending Comprehensive Plan Update adoption, a major subdivision regulation amendment may not be initiated until 2013 or 2014.