The City of Morgantown

Linda L. Little, CMC
389 Spruce Street, Room 10
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
llittle@cityofmorgantown.org

Office of the City Clerk

AGENDA
MORGANTOWN CITY COUNCIL
COMMITTEE OF THE WHOLE
July 30th, 2013
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:

- **WVU Presentation**
- **Downstream Strategies Presentation**
- **Urban Agriculture Bill Presentation**
- **Public Portion**

ITEMS FOR DISCUSSION:

1. **Ordinance: Zoning Reclassification, Parcel in Fourth Ward from B-1 to B-2**
2. **Ordinance: Zoning Reclassification, Parcels in Third and Fifth Wards from R-2 and B-2 to B-4**
3. **Street and Alley Sign Replacement Program**
4. **Downtown Food Vendors Plan**
5. **Woodburn School Commission**
6. **Neighborhood and Business District Cleanup Strategies**

If you need an accommodation contact us at 284-7439

Downstream Strategies
building capacity for sustainability
295 High Street, Suite 3, Morgantown, WV 26505

Assessing and Implementing Energy Saving Measures in Morgantown to Reduce Greenhouse Gas Emissions

This three-phase project has an overall goal of identifying and implementing energy-saving opportunities in Morgantown that will save money and show progress towards meeting the City's commitment to the U.S. Mayors Climate Protection Agreement, which the City of Morgantown signed in 2007. The Agreement commits Morgantown to reduce its greenhouse gas (GHG) emissions through a number of energy-saving strategies.

While the City has since entered into an energy-savings performance contract with measurable savings, the success of this project in helping meet the goals of the Climate Agreement cannot be quantified without a formal emissions baseline. Further, municipal buildings account for only a small percentage of the City's total emissions. The proposed project will include other municipal operations such as transportation and wastewater treatment and, as the budget/data permit, emissions from the greater Morgantown area.

By identifying ways to reduce energy and resource use, the City and its residents can save money through lower energy bills, while also lowering emissions. The three phases of this project include:

- Phase 1: Calculate and report on baseline GHG emissions, and generate community support for further action
- Phase 2: Provide detailed recommendations for cost-effective energy-saving opportunities
- Phase 3: Implement recommendations to save money and reduce emissions

Tasks

Phase 1, the focus of this initial project, consists of two primary tasks.

Task 1: Emissions inventory. Creating a full 2012 baseline GHG emissions inventory for the entire city is a challenge due to the large number of sectors and fuels used and the difficulty in obtaining the required information. The sectors and activities chosen for assessment will depend on the funding received. Priority will be given to City-related activities. Also, surrounding municipalities may be included in the emissions inventory if they demonstrate an interest.

To compile the inventory, we will use the US Community Protocol for Accounting and Reporting of GHG Emissions developed by ICLEI, the International Council for Local Environmental Initiatives. This protocol has been used by over 600 municipalities and provides a well-documented, transparent, technically sound approach. The inventory will be compiled in a user-friendly document to communicate with local government officials, the public, and leaders of other municipalities across the state.

In addition to reporting on GHG emissions, this document will detail recent population and economic trends and describe major energy-related improvements undertaken by the City since signing the 2007 Climate Agreement. This additional information will add context to the GHG emission numbers and will help characterize, to the extent possible, changes in GHG emissions in recent years.

Task 2: Stakeholder involvement and outreach. Stakeholder involvement will be crucial for this project to succeed. Recognizing that this project would help Morgantown meet its commitments under the Climate Agreement, the City Manager wrote a letter explicitly supporting the project and agreeing to serve as a partner.

The Morgantown Municipal Green Team has also agreed to partner in this effort by helping to identify and reach out to stakeholders. Communication with stakeholders will take place via meetings, phone calls, and emails. Stakeholders will help produce accurate emissions inventories and will help lay the groundwork for future phases. We envision that the stakeholder process will involve local residents, businesses, WVU, neighborhood associations, utilities, business organizations, and the Monongalia County Commission. Stakeholders will be approached, as appropriate, to provide input, data, and possibly funding. In addition, certain stakeholders will be requested to provide feedback on the draft report.

While local governments have performed GHG emissions inventories across the country, this will be the first in West Virginia (to the best of our knowledge) and will serve as a model for other municipalities across the state. We will take several steps to help disseminate the inventory, including posting it online; seeking one or more opportunities to present it at events attended by local government representatives; and providing information about the inventory via email lists, social media, and other dissemination channels.

Timeline

While the project formally began on June 1, major work is starting in late July.

Task 1: Emissions inventory. The emissions inventory will be completed by April 1, 2014. Interim milestones are as follows (with timelines from project start date for each milestone):

- Assess data availability for each sector (1 month)
- Determine which ICLEI method to use for each sector (2 months)
- Decide on the sectors, activities, and surrounding municipalities (if any) to include in the assessment (3 months)
- Collect all required data (5 months)
- Perform calculations (7 months)
- Compile draft report (8 months)
- Receive comments from reviewers (9 months)
- Publish final report (10 months)

Task 2: Stakeholder involvement. Stakeholder involvement will extend for an additional two months and will be completed by June 1, 2014. Interim milestones are as follows (with timelines from project start date for each milestone):

- Solicit stakeholder input to help determine data availability (2 months)
- Engage stakeholders to actually help collect data (5 months)
- Provide stakeholders with draft report for comments (8 months)
- Receive comments from reviewers (9 months)
- Engage local stakeholders to help us disseminate the report (12 months)
- Disseminate inventory to local leaders from other municipalities (12 months)

Funding

Funding for this project has been provided by the Appalachian Stewardship Foundation, which was created via the permitting process for the Longview power plant in Maidsville. A settlement of a challenge to the plant's air permit established a mitigation fund to address acid deposition and greenhouse gases and created a foundation to help local citizens and businesses mitigate air and water pollution.

Contact

Jeff Simcoe, Project Manager: jsimcoe@downstreamstrategies.com

ORDINANCE NO._____

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE PARCEL OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM B-1, NEIGHBORHOOD BUSINESS 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 260 of County Tax Map 7; Morgantown Corporation District along with a portion of the adjoining University Avenue public right-of-way.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification for Parcel 260 of County Tax Map 7 of the Monongalia County tax assessment along with a portion of the adjoining University Avenue public right-of-way 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 B-1, Neighborhood Business District to B-2, Service Business District.

2. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

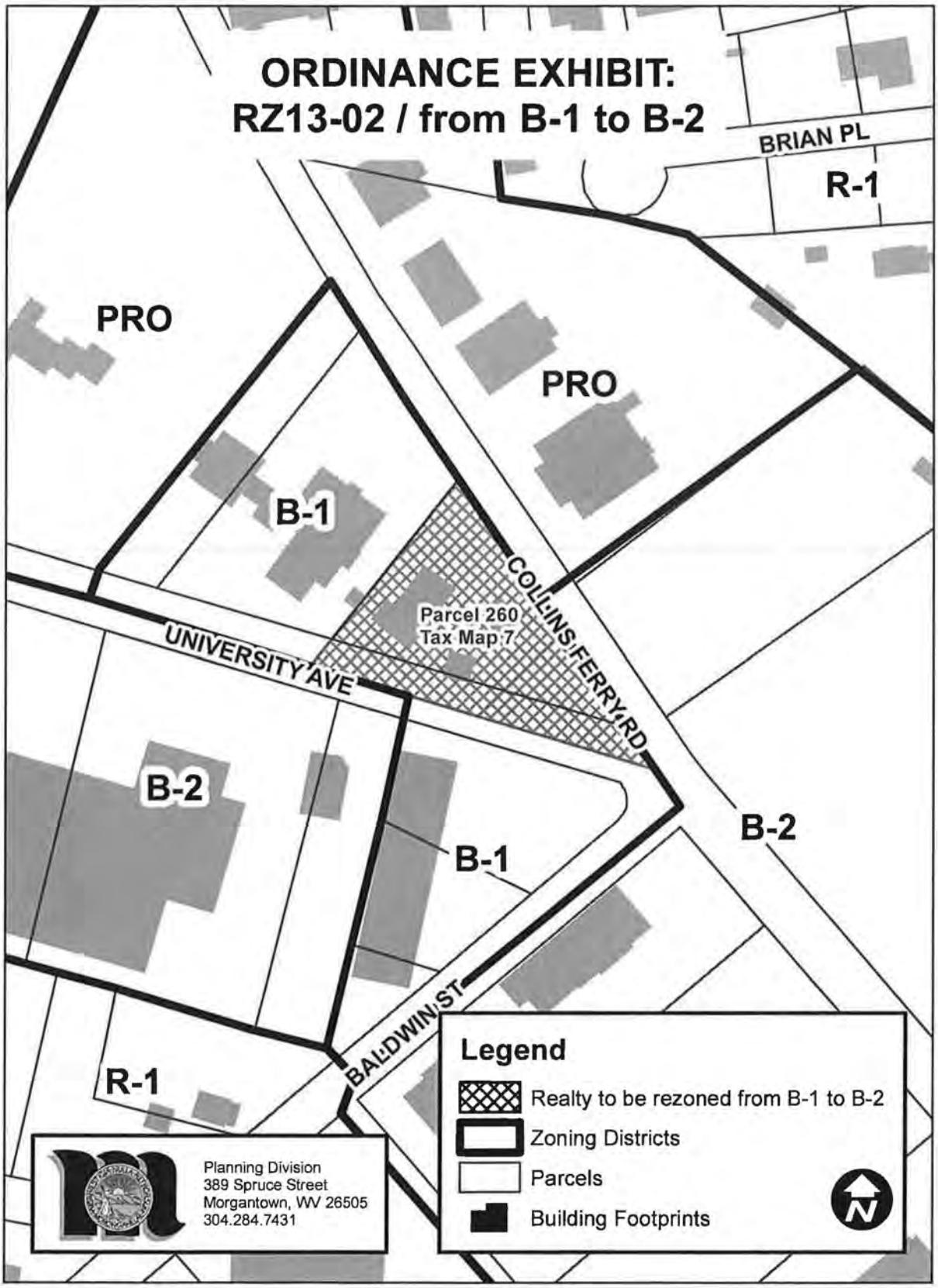
_____
Mayor

ADOPTED:

FILED:

RECORDED:

_____
City Clerk


ORDINANCE EXHIBIT:
RZ13-02 / from B-1 to B-2
BRIAN PL
R-1
PRO
PRO
B-1
COLLINS FERRY RD
Parcel 260
Tax Map 7
UNIVERSITY AVE
B-2
B-1
B-2
BALDWIN ST
R-1
Legend
Realty to be rezoned from B-1 to B-2
Zoning Districts
Parcels
Building Footprints
N
Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

The City of Morgantown

DEVELOPMENT SERVICES DEPARTMENT

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

July 12, 2013

Fred L. Jordan
c/o Wendy G. Adkins
Jackson Kelly PLLC
150 Clay Street, Suite 500
Morgantown, WV 26501

RE: RZ13-02 / Fred L. Jordan / 3100 University Avenue
Zoning Map Amendment from B-1 to B-2
Tax Map 7, Parcel 260

Dear Ms. Adkins:

This is to notify you that the Morgantown Planning Commission voted on July 11, 2013 to submit a recommendation of approval to City Council for the zoning map amendment petition referenced above.

Please note the following dates when City Council will consider the ordinance related to the subject petition. These dates are dependent up City Council's favorable action at each step of the approval process.

City Council Meetings

Committee of the Whole..... Tuesday, July 30, 2013; 7:00 PM
City Council Chambers

1st Reading:..... Tuesday, August 6, 2013; 7:00 PM
City Council Chambers

Public Hearing and 2nd Reading:..... Tuesday, September 3, 2013; 7:00 PM
City Council Chambers

Please note that attendance at these meetings is not mandatory.

Do not hesitate to contact me should you have any questions or require further clarification.

Respectfully,

Christopher M. Fletcher

Christopher M. Fletcher, AICP
Director of Development Services

Copied via email to: Jeff Mikorski, City Manager
Linda Little, City Clerk

MORGANTOWN PLANNING COMMISSION

July 11, 2013
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: RZ13-02 / Fred L. Jordan / 3100 University Avenue

REQUEST and LOCATION:

Request by Wendy G. Adkins and Heather J. Gentile, on behalf of Fred L. Jordan, for a Zoning Map Amendment from B-1, Neighborhood Business District to B-2, Service Business District for property located at 3100 University Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 7, Parcel 260; B-1, Neighborhood Business District

SURROUNDING ZONING:

North: PRO, Professional, Residential and Office District

East: B-2, Service Business District

South and West: B-1, Neighborhood Business District

BACKGROUND:

The petitioner seeks approval to reclassify the subject property from B-1 to B-2. Addendum A of this report illustrates the location of the subject property.

Because the subject realty adjoins the B-2 District at the site's eastern side, the proposed zoning map amendment is considered a zoning district boundary adjustment and not "spot zoning" as the following image illustrates.

Development Services Department
Christopher Fletcher, AICP
Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

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 existing use of the subject property is a "Gasoline Service Station", which is not permitted by-right or by conditional use approval in the B-1 District. The use is therefore considered to be grandfathered and may continue until or unless modified or terminated for twelve (12) consecutive months. Grandfathered uses may be sold, inherited, or otherwise transferred, provided the use, land, and structure (if any) remain the same.

Further, Article 1373.01(A) provides that, "No legal, pre-existing nonconforming use may be enlarged, moved or otherwise changed, except that such use may be changed to a permitted use."

As such, facility improvements, expansions, and/or redevelopment of the establishment's existing facilities into a higher performing, more modern, attractive, and contributing "Gasoline Service Station" use is extremely limited and a change in use to a "Gas Station Mini-Mart" is prohibited given the current B-1 zoning classification.

"Gasoline Service Station" and "Gas Station Mini-Mart" uses are permitted by-right in the B-2 District.

ANALYSIS:

According to Article 1345.01 of the Planning and Zoning Code, 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."

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."

According to the MMMPO, the annual average daily traffic (AADT) count at the subject site was 9,780 vehicles in 2012. Although this area of University Avenue and Collins Ferry Road may not be considered major thoroughfares (e.g., Van Voorhis Road, Patteson Drive, etc.), these roadways are considered sub-arterial streets carrying traffic from multiple collector and neighborhood/local streets to major arterial routes.

Given the subject site's triangular shape and extensive road frontage along University Avenue and Collins Ferry Road, redevelopment and/or reuse of the site to a non-auto related service is highly unlikely.

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.

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Christopher Fletcher, AICP
Director

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William Wyant, 3rd Ward
Bill Petros, 4th Ward
Mike Shuman, 5th Ward
Ken Martis, Admin.
Bill Kawecki, City Council

In conducting such an analysis, the Commission should determine if the 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 should be noted that the petitioner, at Staff's encouragement, contacted neighboring property owners and the Suncrest Neighborhood Association leadership to discuss their zoning map amendment proposal. As of 03-Jun-2013, the Planning Division has not received related comments of concern or opposition.

Comprehensive Plan Concurrence

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

STAFF RECOMMENDATION:

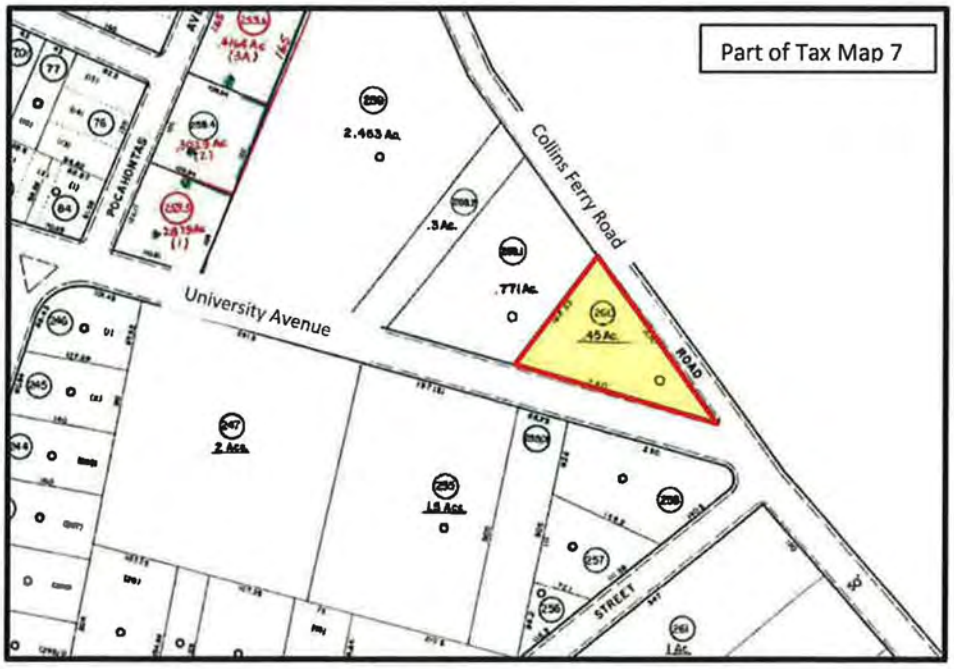
Staff advises the Commission to forward a recommendation to City Council to approve the requested zoning map amendment so that Parcel 260 of Tax Map 7 is reclassified from B-1, Neighborhood Business District to B-2, Service Business District.

Development Services Department
Christopher Fletcher, AICP
Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

RZ13-02 / Jordan / University Avenue



STAFF REPORT ADDENDUM B

RZ13-02 / Jordan / University Avenue

Concurrence with the 2013 Comprehensive Plan Update

The following narrative identifies where, in the opinion of the Planning Division, the proposed zoning map amendment proposal or development of significant impact proposal is in concurrence and/or is inconsistent with the 2013 Comprehensive Plan Update.

INTENT	Development proposals will reflect the spirit and values expressed in the Plan's principals.

Principles for Land Management

Principal 1	Infill development and redevelopment of underutilized and/or deteriorating sites takes priority over development in green field locations at the city's edge.	☒ Concurrence ☐ Inconsistent ☐ Other
	The reclassification of the subject property from B-1 to B-2, given its buildable area limitations and history of automobile service related uses, appears prudent to stimulate market interest and opportunity in delivering a higher performing and contributing development pattern otherwise permitted in the B-2 District; particularly encouraging facility improvements and/or expansions to a more modern, attractive, and contributing "Gasoline Service Station" or "Gas Station Mini-Mart" use.	
Principal 2	Expansion of the urban area will occur in a contiguous pattern that favors areas already served by existing infrastructure.	☒ Concurrence ☐ Inconsistent ☐ Other
	The subject site is located within commercial node surrounded by B-2 zoning classifications and B-2 scaled uses and development patterns. Reclassifying the property to B-2 will not result in or facilitate "greenfield development." The site appears to be supported by existing transportation and utility infrastructure capacity.	
Principal 3	Downtown, adjacent neighborhoods and the riverfront will be the primary focus for revitalizations efforts.	☐ Concurrence ☐ Inconsistent ☒ Other
	The subject site is not located within or near the central downtown business district. It is however within an existing neighborhood commercial node.	
Principal 4	Existing neighborhoods throughout the city will be maintained and/or enhanced.	☒ Concurrence ☐ Inconsistent ☐ Other
	The subject site is not within and does not border a neighborhood conservation concept area. However, the subject site has been occupied by an automobile service related use supported by the Suncrest Neighborhood for decades.	

Principal 5	Quality design is emphasized for all uses to create an attractive, distinctive public and private realm and promote positive perceptions of the region.	☐ Concurrence ☐ Inconsistent ☒ Other
	Site layout and architectural design alternatives and solutions are functions specific to the review and approval of development plans. However, the B-4 District does include a broader extent of required and desired site and structure design standards.	
Principal 6	Development that integrates mixed-uses (residential, commercial, institutional, civic, etc.) and connects with the existing urban fabric is encouraged.	☒ Concurrence ☐ Inconsistent ☐ Other
	Reclassifying the subject property from B-1 to B-2, given its buildable area limitations and history of automobile service related uses, appears prudent to stimulate market interest and opportunity in delivering a higher performing and contributing development pattern. The B-2 classification will encourage facility improvements and/or expansions to a more modern, attractive "Gasoline Service Station" or "Gas Station Mini-Mart" use, which should serve to enhance its contribution to the neighborhood commercial node.	
Principal 7	Places will be better connected to improve the function of the street network and create more opportunities to walk, bike and access public transportation throughout the region.	☐ Concurrence ☐ Inconsistent ☒ Other
	Given the site's buildable area limitations, history of automobile service related uses, and desired improvements thereto, multi-modal transportation utilization to and from the site is unlikely. However, a B-2 classification may stimulate interest in converting the grandfathered "Gasoline Service Station" use to a "Gas Station Mini-Mart" use retailing convenience offerings attractive to pedestrian and bicycling passersby. Additionally, there is a fixed transit stop/shelter within 250 feet of the subject site.	
Principal 8	A broad range of housing types, price levels and occupancy types will provide desirable living options for a diverse population.	☐ Concurrence ☐ Inconsistent ☒ Other
	Given the site's buildable area limitations, history of automobile service related uses, traffic volume on University Avenue and Collins Ferry Road, and neighboring non-residential uses and related intensities, the development of residential uses, whether B-1 or B-2, is unlikely.	

Principal 9	Residential development will support the formation of complete neighborhoods with diverse housing, pedestrian-scaled complete streets, integrated public spaces, connection to adjacent neighborhoods, and access to transportation alternative and basic retail needs.	☐ Concurrence ☐ Inconsistent ☒ Other
	Given the site's buildable area limitations, history of automobile service related uses, traffic volume on University Avenue and Collins Ferry Road, and neighboring non-residential uses and related intensities, the development of residential uses, whether B-1 or B-2, is unlikely. It should be noted that the petitioner met with Planning Division Staff and a regional WVDOH representative to discuss MMMPO supported operations analysis of the University Avenue and Collins Ferry Road intersection in terms of alternate intersection alignment and traffic control enhancements to improve maneuvering, convenience, and safety.	
Principal 10	Parks, open space, and recreational areas are incorporated as part of future development.	☐ Concurrence ☐ Inconsistent ☒ Other
	Given the site's buildable area limitations, history of automobile service related uses, traffic volume on University Avenue and Collins Ferry Road, neighboring non-residential uses and related intensities, and relative isolation, the development and/or incorporation of recreational, active, or passive open space, whether B-1 or B-2, is unlikely.	
Principal 11	Environmentally sensitive and sustainable practices will be encouraged in future developments.	☐ Concurrence ☐ Inconsistent ☒ Other
	Development design and construction methods in relation to environmentally sensitive sustainable best practices are functions specific to the review and approval of development plans.	

LOCATION	Development proposals will be consistent with the Land Management Map. If the proposal applies to an area intended for growth, infill, revitalization, or redevelopment, then it should be compatible with that intent and with any specific expectations within Areas of Opportunity. If the proposal applies to an area of conservation or preservation, it should be compatible with and work to enhance the existing character of the immediate surroundings.

The following graphic is clipped from the **Land Management Map** included in the 2013 Comprehensive Plan Update. The subject site is located within the **"Corridor Enhancement"** concept area within which improving development and increased intensity are desired.

The reclassification of the subject property from B-1 to B-2, given its buildable area limitations and history of automobile service related uses, appears prudent to stimulate market interest and opportunity in delivering a higher performing and contributing development pattern otherwise permitted in the B-2 District but denied the site under the current B-1 classification.

Additionally, a change in use from a "Gasoline Service Station" to a "Gas Station Mini-Mart" as a result of the requested zoning map amendment may increase convenience retail offerings for the benefit of motoring passersby and immediate Suncrest Neighborhood area.

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.

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.

Reclassifying the subject realty from B-1 to B-2 furthers the following development types that are identified in the 2013 Comprehensive Plan Update as desired in the **"Corridor Enhancement"** concept area.

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.

City of Morgantown, West Virginia

APPLICATION FOR
FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	RZ13-02
RECEIVED:	6/5/13
COMPLETE:	

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. OWNER / APPLICANT

Name:	Fred L. Jordan			Phone:	(304) 598-0567
Mailing Address:	202 Walnut Street (Street)			Mobile:	
	Pt. Marion (City)	PA (State)	15474 (Zip)	Email:	

II. AGENT / CONTACT INFORMATION

Name:	Wendy G. Adkins and Heather J. Gentile			Phone:	(304) 284-4100
Mailing Address:	150 Clay Street, Suite 500 (Street)			Mobile:	
	Morgantown (City)	WV (State)	26501 (Zip)	Email:	wgadkins@jacksonkelly.com; hgentile@jacksonkelly.com
Mailings –	Send all correspondence to (check one): ☐ Applicant OR ☒ Agent/Contact				

IV. PROPERTY

Street Address (if assigned):	3100 University Avenue, Morgantown WV				
Tax Map(s) #:	7	Parcel(s) #:	260	Size (sq. ft. or acres):	.46
Current Zoning Classification:	B-1	Proposed Zoning Classification:	B-2		
Current Land Use:	Gasoline Service Station	Proposed Land Use*:	Gasoline Service Station		

**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.*

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.

Wendy G. Adkins	Wendy G. Adkins	06/05/2013
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

Zoning Map Amendment Fee - $75

City of Morgantown, West Virginia

APPLICATION FOR FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	R213-02
RECEIVED:	
COMPLETE:	

ADDENDUM A - Zoning Map Amendment Process

Step 1	An application for an amendment, or change, to the City's Official Zoning Map is filed with the Planning Department.
Step 2	The Planning Department conducts a formal review of the completed application and prepares appropriate mapping and the petition.
Step 3	The Planning Department publishes a legal advertisement describing the petition for a zoning map amendment at least 15 days prior to the scheduled public hearing before the Planning Commission. The Planning Department also notifies property owners within 200 feet of the proposed map amendment.
Step 4	The Planning Commission holds a duly scheduled public hearing on the zoning map amendment petition, prepares a report, and makes a recommendation to City Council.
Step 5	City Council hears the petition in accordance with its rules and procedures, normally two readings and an additional public hearing.

APPROVED

If the petition for the zoning map amendment is approved by City Council, the applicant receives approval and is formally notified by mail by the Planning Department. The Planning Department amends the Official Zoning Map to reflect the approved map amendment.

DENIED

If the petition for the zoning map amendment is denied by City Council, the applicant is formally notified in writing by the Planning Department of the denial and the right to appeal the decision to the Circuit Court of Monongalia County.

ORDINANCE NO._____

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE THIRD AND FIFTH WARDS OF THE CITY OF MORGANTOWN FROM R-2, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT AND B-2, SERVICE BUSINESS DISTRICT TO B-4, GENERAL 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.

Properties included in this consideration is identified in the Monongalia County Assessor's records as Parcels 263 and 270 of County Tax Map 26; Morgantown Corporation District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification for Parcels 263 and 270 of County Tax Map 26 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-2, Single- and Two-Family Residential District and B-2, Service Business District to B-4, General Business District.

2. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

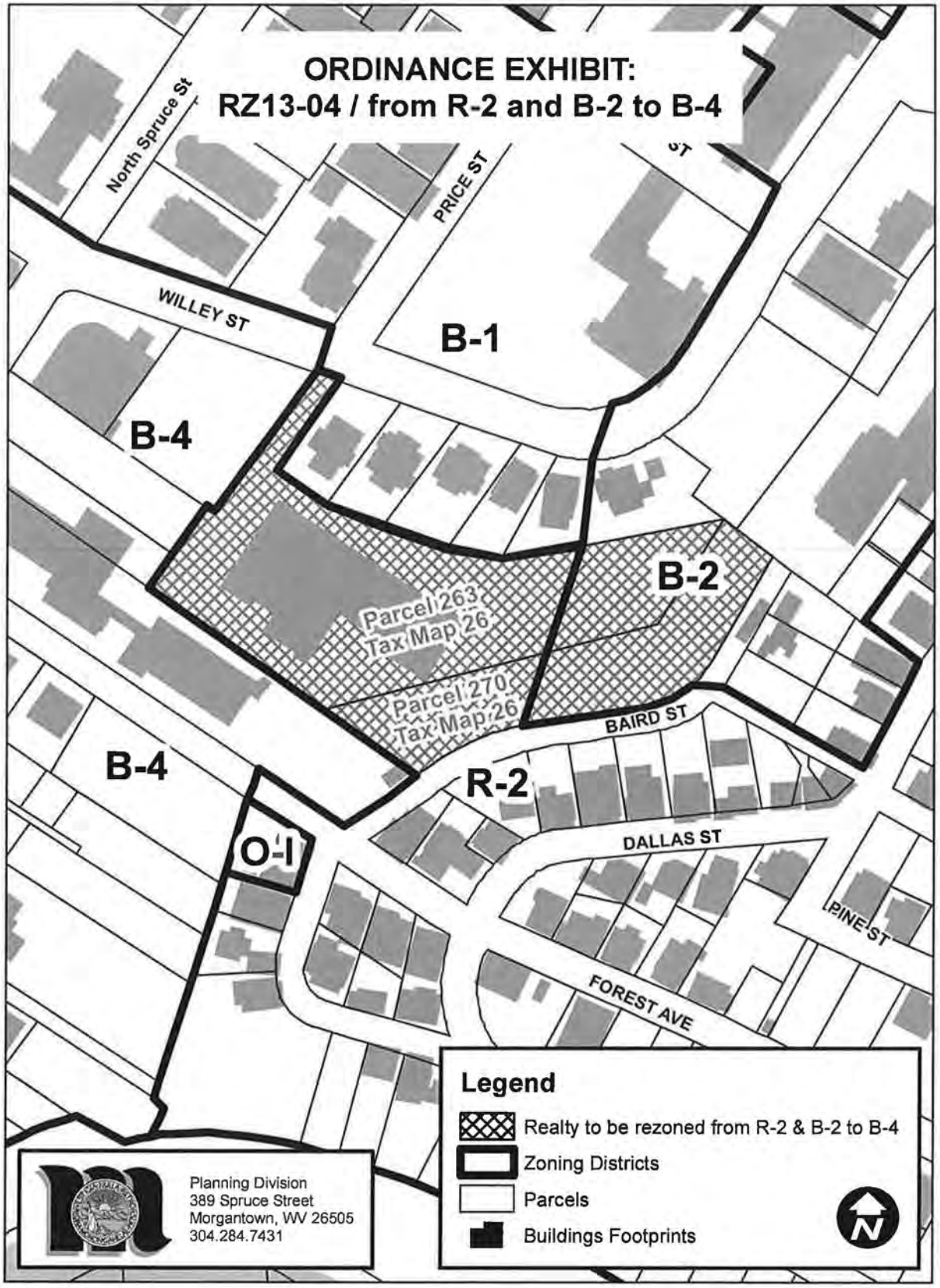
_____
Mayor

ADOPTED:

FILED:

_____
City Clerk

RECORDED:


ORDINANCE EXHIBIT:
RZ13-04 / from R-2 and B-2 to B-4
North Spruce St
PRICE ST
WILLEY ST
B-1
B-4
B-2
Parcel 263
Tax Map 26
Parcel 270
Tax Map 26
BAIRD ST
B-4
R-2
O-I
DALLAS ST
PINE ST
FOREST AVE
Legend
Realty to be rezoned from R-2 & B-2 to B-4
Zoning Districts
Parcels
Buildings Footprints
Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

The City of Morgantown

DEVELOPMENT SERVICES DEPARTMENT

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

July 12, 2013

Central Place, LLC
c/o Lisa Mardis
Project Management Services
160 Fayette Street, Suite 101
Morgantown, WV 26505

RE: RZ13-04 / Central Place, LLC / 475 Baird Street
Zoning Map Amendment from R-2 and B-2 to B-4
Tax Map 26, Parcels 263 and 270

Dear Ms. Mardis:

This is to notify you that the Morgantown Planning Commission voted on July 11, 2013 to submit a recommendation of approval to City Council for your zoning map amendment request referenced above.

Please note the following dates when City Council will consider your request. These dates are dependent up City Council's favorable action at each step of the approval process.

City Council Meetings

Committee of the Whole.....Tuesday, July 30, 2013; 7:00 PM
City Council Chambers

1st Reading:.....Tuesday, August 6, 2013; 7:00 PM
City Council Chambers

Public Hearing and 2nd Reading: .....Tuesday, September 3, 2013; 7:00 PM
City Council Chambers

Please note that attendance at these meetings is not mandatory.

Do not hesitate to contact me should you have any questions or require further clarification.

Respectfully,

Stacy McHollar

Stacy Hollar
Executive Secretary

cc: Jeff Mikorski, City Manager
Linda Little, City Clerk

MORGANTOWN PLANNING COMMISSION

July 11, 2013
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: RZ13-04 / Central Place, LLC / 475 Baird Street

REQUEST and LOCATION:

Request by Lisa Mardis of Project Management Services, on behalf of Central Place, LLC, for a Zoning Map Amendment from R-2, Single- and Two-Family Residential District and B-2, Service Business District to B-4, General Business District for property located at 475 Baird Street (former Central School site); Tax Map 26, Parcels 263 and 270.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26, Parcels 263 and 270; R-2, Single- and Two-Family Residential District

SURROUNDING ZONING:

North: B-1, Neighborhood Business District

East: B-2, Service Business District

West: B-4, General Business District

South: R-2, Single- and Two-Family Residential District

BACKGROUND:

The petitioner seeks approval to reclassify the subject property from R-2 and B-2 to B-4, General Business District. Addendum A of this report illustrates the location of the subject property.

Because the subject area adjoins the B-4 District at the site's western and southern side, the proposed zoning map amendment is considered a zoning district boundary adjustment and not "spot zoning" as the following image illustrates.

Development Services Department
Christopher Fletcher, AICP
Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

President:
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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

As the Planning Commission will recall, the redevelopment of the subject site was once a part of the "Westminster House" Planned Unit Development (PUD). Addendum B of this report provides a brief history of the related PUD.

ANALYSIS:

According to Article 1337.01 of the Planning and Zoning Code, the purposes of the R-2 District are to:

(A) Provide for two-family housing development and customary accessory uses at a density slightly higher than in single family neighborhoods, and

(B) Preserve the desirable character of existing medium density family neighborhoods, and

(C) Protect the medium density residential areas from change and intrusion that may cause deterioration, and

(D) 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."

According to Article 1349.01, the purposes of the B-4 District are to:

(A) Promote development of a compact, pedestrian-oriented central business district consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;

(B) Promote a diverse mix of residential, business, commercial, office, institutional, education, and cultural and entertainment activities for workers, visitors, and residents;

(C) Encourage pedestrian-oriented development within walking distance of public transit opportunities at densities and intensities that will help to support transit usage and businesses;

(D) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;

(E) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and,

(F) Enhance the community's character and historical significance through the promotion of high-quality urban design.

Comprehensive Plan Concurrence

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

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Bill Kawecki, City Council

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 the B-4, General 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 1349 "B-4, General Business District" and Table 1331.05.01 "Permitted Land Uses".

STAFF RECOMMENDATION:

Staff advises the Commission to forward a recommendation to City Council to approve the requested zoning map amendment so that Parcels 263 and 270 of Tax Map 26 are reclassified from R-2, Single- and Two-Family Residential District and B-2, Service Business District to B-4, General Business District.

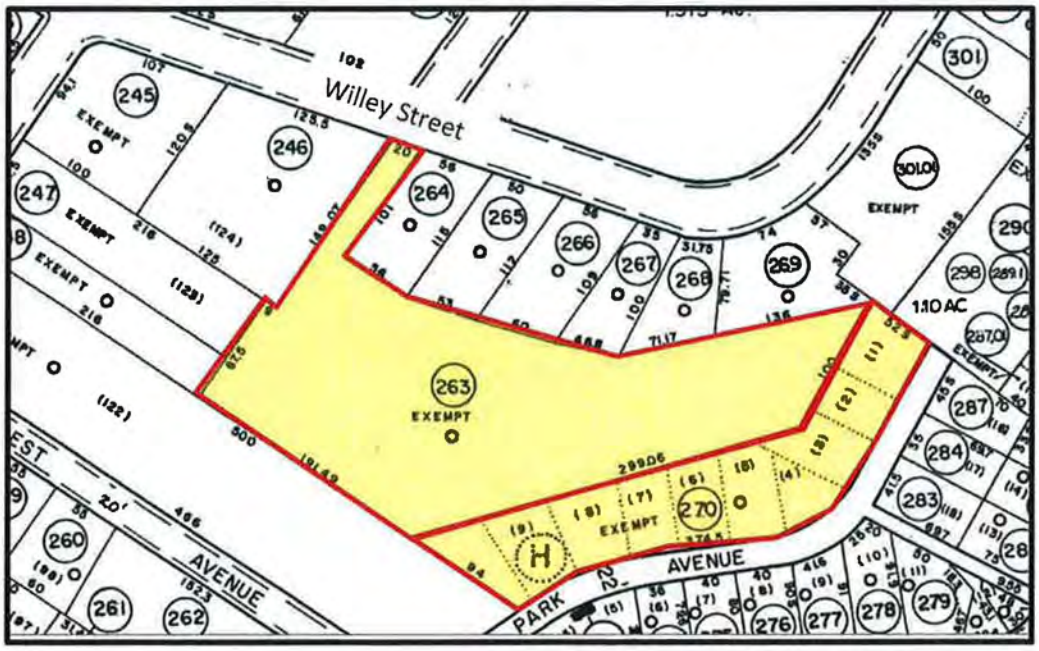
Attachments: Application and accompanying exhibits

Development Services Department
Christopher Fletcher, AICP
Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

RZ13-04 / Central Place, LLC / 475 Baird Street



STAFF REPORT ADDENDUM B

RZ13-04 / Central Place, LLC / 475 Baird Street

"Westminster House" Planned Unit Development – PUD Summary

- Two six-story buildings with each floor containing approximately 11,400 square feet of gross floor area.
- The first floor of the building closest to the First Presbyterian Church facilities was to be occupied by the Presbyterian Child Development Center. The five upper floors were to contain 40 multi-family dwelling units.
- The first floor of the building furthest from the First Presbyterian Church facilities was to be occupied by Campus Ministry's offices and programming space as well as study lounges, recreation facilities, and common areas for use by development residents and quests. The five upper floors were to contain 40 multi-family dwelling units.
- The residential component contained 80 dwelling units with 470 occupants.
- 230 parking spaces within new and existing parking areas scattered throughout the site and within First Presbyterian Church's adjoining realty.

"Westminster House" PUD Timeline

- Circa 1955 ..... The existing Central Elementary School building was constructed to replace previous education facilities situated at the site.
- Circa 2003 ..... The existing Central Elementary School closed and became the "Central Center" serving as the school district's hub for nurses, motor team, and other alternative programs.
- Apr 2008 ..... Central Elementary School site purchased by Presbytery of West Virginia from the Board of Education.
- Oct 2008 ..... Planning Commission recommended approval of "Westminister House" PUD Outline Plan to City Council.
- Dec 2008 ..... City Council approved "Westminister House" PUD Outline Plan.
- Nov 2009 ..... Planning Commission approved Outline Plan Amendment 1 extending PUD Development Plan submission deadline.
- Feb 2011 ..... Planning Commission approved Outline Plan Amendment 2 extending PUD Development Plan submission deadline.
- Oct 2011 ..... Planning Commission approved Outline Plan Amendment 3 extending PUD Development Plan submission deadline.
- Dec 2011 ..... Planning Commission approved Outline Plan Amendment 4 extending PUD Development Plan submission deadline.
- Aug 2012 ..... Planning Commission, with the support of the petitioner, initiated action to amend the Zoning Map so as to rescind the PUD designation and reclassify the subject realty to its previous R-2, B-2, and B-4 designations.
- Nov 2012 ..... City Council rescinded the PUD designation and reclassified the subject realty to its previous R-2, B-2, and B-4 designations.

STAFF REPORT ADDENDUM C

RZ13-04 / Central Place, LLC / 475 Baird Street

Concurrence with the 2013 Comprehensive Plan Update

The following narrative identifies where, in the opinion of the Planning Division, the proposed zoning map amendment proposal or development of significant impact proposal is in concurrence and/or is inconsistent with the 2013 Comprehensive Plan Update.

INTENT	Development proposals will reflect the spirit and values expressed in the Plan's principals.

Principles for Land Management

Principal 1	Infill development and redevelopment of underutilized and/or deteriorating sites takes priority over development in green field locations at the city's edge.	☒ Concurrence ☐ Inconsistent ☐ Other
	The reclassification of the subject property from two districts to one district is a prudent land use regulatory solution given the fact that the property is no longer owned by a governmental jurisdiction. Specifically, once privately-owned, the property is now required to comply with the City's Planning and Zoning Code. Maintaining two very different zoning classifications for the subject property in terms of density, intensity, and permitted uses would hinder market interest in achieving its highest and best use. The proposed reclassification of the subject property to B-4 will aid in stimulating redevelopment into higher performing and contributing uses like multi-family and/or mixed-use at a size, scale, scope, and density compatible with neighboring properties and the adjoining B-4 District. Stimulating market interest in the subject property represents a unique opportunity to remove a vacant structure that no longer serves as a public educational purpose. Over the past few years, the property's current owner has been unable to sustain the financial wherewithal to address deterioration and increased vandalism to the structure and property, which is now contributing to blighting conditions.	
Principal 2	Expansion of the urban area will occur in a contiguous pattern that favors areas already served by existing infrastructure.	☒ Concurrence ☐ Inconsistent ☐ Other
	The subject site is located within the urban core and adjoins the central business district. Reclassifying the property to B-4 will not result in or facilitate "greenfield development." The site appears to be supported by existing transportation and utility infrastructure capacity.	
Principal 3	Downtown, adjacent neighborhoods and the riverfront will be the primary focus for revitalizations efforts.	☒ Concurrence ☐ Inconsistent ☐ Other
	The subject site adjoins the downtown business district and does not border a neighborhood conservation concept area. Reclassifying the subject property to B-4 will stimulate market interest for redevelopment into higher performing and contributing uses within the City's urban core.	

Principal 4	Existing neighborhoods throughout the city will be maintained and/or enhanced.	☒ Concurrence ☐ Inconsistent ☐ Other
	The subject site is not within and does not border a neighborhood conservation concept area.	
Principal 5	Quality design is emphasized for all uses to create an attractive, distinctive public and private realm and promote positive perceptions of the region.	☐ Concurrence ☐ Inconsistent ☒ Other
	Site layout and architectural design alternatives and solutions are functions specific to the review and approval of development plans. However, the B-4 District does include a broader extent of required and desired site and structure design standards.	
Principal 6	Development that integrates mixed-uses (residential, commercial, institutional, civic, etc.) and connects with the existing urban fabric is encouraged.	☒ Concurrence ☐ Inconsistent ☐ Other
	Mixed-uses are emphasized much more so in the B-4 District than the B-2 District. Additionally, mixed-use development patterns are not permitted within the R-2 District.	
Principal 7	Places will be better connected to improve the function of the street network and create more opportunities to walk, bike and access public transportation throughout the region.	☒ Concurrence ☐ Inconsistent ☐ Other
	The subject site is well served by public transit along Spruce Street and Willey Street and is within walking and biking distance of the University campus, downtown PRT station, and the downtown central business district. Redevelopment of the site to a higher scale and intensity as permitted in the B-4 District will link residents to alternate modes of transportation thereby reducing auto dependency within the City and mitigating increased traffic congestion created by commuting traffic from outside the City.	
Principal 8	A broad range of housing types, price levels and occupancy types will provide desirable living options for a diverse population.	☒ Concurrence ☐ Inconsistent ☐ Other
	Development patterns that promote diversity in housing types, price levels, and occupancy types are emphasized much more so in the B-4 District than the B-2 District with very limited opportunity in the R-2 District.	

Principal 9	Residential development will support the formation of complete neighborhoods with diverse housing, pedestrian-scaled complete streets, integrated public spaces, connection to adjacent neighborhoods, and access to transportation alternative and basic retail needs.	☒ Concurrence ☐ Inconsistent ☐ Other
	The subject site adjoins the B-4, General Business District and a two to five minute relatively flat walk to basic retail goods and services, civic, institutional, and public spaces located within the central downtown business district and University's downtown campus.	
Principal 10	Parks, open space, and recreational areas are incorporated as part of future development.	☒ Concurrence ☐ Inconsistent ☐ Other
	The subject site is less than 1,000 feet from Whitmore Park, which is approximately 8.6 acres and provides connections to the Caperton/Deckers Creek Trail facility. The redevelopment of the subject site to B-4 permitted densities and intensities should positively influence master-planned redevelopment interests along Forest Avenue, Dallas Street, and Richwood Avenue that can and should include enhanced pedestrian linkages between the downtown district and Woodburn Neighborhood.	
Principal 11	Environmentally sensitive and sustainable practices will be encouraged in future developments.	☐ Concurrence ☐ Inconsistent ☒ Other
	Development design and construction methods in relation to environmentally sensitive sustainable best practices are functions specific to the review and approval of development plans.	

LOCATION	Development proposals will be consistent with the Land Management Map. If the proposal applies to an area intended for growth, infill, revitalization, or redevelopment, then it should be compatible with that intent and with any specific expectations within Areas of Opportunity. If the proposal applies to an area of conservation or preservation, it should be compatible with and work to enhance the existing character of the immediate surroundings.

The following graphic is clipped from the **Land Management Map** included in the 2013 Comprehensive Plan Update. The subject site is located within the "**Downtown Enhancement**" and "**Neighborhood Revitalization**" concept areas within which continued infill and redevelopment, stabilization, reinvestment, and adaptive reuse are highly desired.

The reclassification of the subject property from two districts to one district is a prudent land use regulatory solution given the fact that the property is no longer owned by a governmental jurisdiction. Specifically, once privately-owned, the property is now required to comply with the City's Planning and Zoning Code. Maintaining two very different zoning classifications for the subject property in terms of density, intensity, and permitted uses would hinder market interest in achieving its highest and best use.

Reclassifying the subject realty to B-4 will aid in stimulating redevelopment interest into higher performing and contributing uses like multi-family and/or mixed-use at a size, scale, intensity, and density compatible with neighboring properties and the adjoining B-4 District.

Downtown Enhancement: Continued infill and redevelopment in the Downtown core with a mix of employment, civic, commercial and residential uses as described in the 2010 Downtown Strategic Plan Update.

Neighborhood Revitalization: Stabilization and reinvestment in existing neighborhoods that includes improvements to public and private buildings and infrastructure, and support for infill development, adaptive reuse and redevelopment that offers a mix of residential types and supporting uses.

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.

Reclassifying the subject realty from R-2 and B-2 to B-4 furthers the following development types that are identified in the 2013 Comprehensive Plan Update as desired in the "**Downtown Enhancement**" and "**Neighborhood Revitalization**" concept areas.

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.

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.

City of Morgantown, West Virginia

APPLICATION FOR FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	RZ13-04
RECEIVED:	6/14/13
COMPLETE:	

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. OWNER / APPLICANT

Name:	Central Place, LLC			Phone:	
Mailing Address:	6200 Mid Atlantic Drive (Street)			Mobile:	276-5100
	Morgantown (City)	WV (State)	26508 (Zip)	Email:	metro50@aol.com

II. AGENT / CONTACT INFORMATION

Name:	Project Management Services			Phone:	304-212-5256
Mailing Address:	160 Fayette Street Suite 101 (Street)			Mobile:	304-692-7116
	Morgantown (City)	WV (State)	26505 (Zip)	Email:	pms160@comcast.net

Mailings – Send all correspondence to (check one): ☐ Applicant OR ☒ Agent/Contact

IV. PROPERTY

Street Address (if assigned):	475 Baird Street				
Tax Map(s) #:	26	Parcel(s) #:	263 & 270	Size (sq. ft. or acres):	1.8 ac
Current Zoning Classification:	R-2 & B-2	Proposed Zoning Classification:	B-4		
Current Land Use:	Vacant	Proposed Land Use*:	Multi-family		

**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.*

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	06/14/2013
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

Zoning Map Amendment Fee - $75

City of Morgantown, West Virginia

APPLICATION FOR
FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	R213-07
RECEIVED:	
COMPLETE:	

ADDENDUM A - Zoning Map Amendment Process

Step 1	An application for an amendment, or change, to the City's Official Zoning Map is filed with the Planning Department.
Step 2	The Planning Department conducts a formal review of the completed application and prepares appropriate mapping and the petition.
Step 3	The Planning Department publishes a legal advertisement describing the petition for a zoning map amendment at least 15 days prior to the scheduled public hearing before the Planning Commission. The Planning Department also notifies property owners within 200 feet of the proposed map amendment.
Step 4	The Planning Commission holds a duly scheduled public hearing on the zoning map amendment petition, prepares a report, and makes a recommendation to City Council.
Step 5	City Council hears the petition in accordance with its rules and procedures, normally two readings and an additional public hearing.

APPROVED

If the petition for the zoning map amendment is approved by City Council, the applicant receives approval and is formally notified by mail by the Planning Department. The Planning Department amends the Official Zoning Map to reflect the approved map amendment.

DENIED

If the petition for the zoning map amendment is denied by City Council, the applicant is formally notified in writing by the Planning Department of the denial and the right to appeal the decision to the Circuit Court of Monongalia County.