



MORGANTOWN BOARD OF ZONING APPEALS

October 16, 2013
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
George Papandreas
Tom Shamberger
Jim Shaffer

STAFF REPORT

CASE NO: CU13-16 / Jared Hartsock / 1450 Earl L. Core Road

REQUEST and LOCATION:

Request by Jared Hartsock for conditional use approval of an "Automotive Sales" use located at 1450 Earl L. Core Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 31, Parcel 98.3; B-5, Shopping Center District

SURROUNDING ZONING:

B-5, Shopping Center District

BACKGROUND and ANALYSIS:

The petitioner seeks to establish a pre-owned "Automotive Sales" use at the subject site. Table 1331.05.01 "Permitted Land Uses" provides that the development of "Automotive Sales" uses in the B-5 District requires conditional use approval by the Board of Zoning Appeals.

Addendum A of this report illustrates the location of the subject site.

Using a site plan provided by the property owner, Staff completed a minimum parking requirement calculation for the proposed "Automotive Sales" use along with the existing *Tanning World* and *CWS Copiers* use types in the subject multi-tenant commercial building. Exhibit 1, attached hereto, illustrates a minimum parking requirement of 17 spaces for the three use types; a total on-site parking supply of 48 spaces; and, a parking surplus of 31 spaces.

It should be noted that there are two (2) existing "Automotive Sales" uses located within 550 feet of the petitioner's proposed storefront – *Superior Ford Lincoln* and *J.D. Byrider*.

STAFF RECOMMENDATION:

The Board of Zoning Appeals must determine whether the proposed requests meet the standard criteria for a conditional use by reaching a positive determination for *each* of the "Findings of Fact" submitted by the applicant. Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined).

Staff recommends approval with the condition that the beneficiary of the Board's conditional use approval, if granted, is specific to the petitioner's related business organization and may not be transferred without prior approval of the Board.

Attachments: Application and submitted exhibits.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
CU13-16 / Jared Hartsock / 1450 Earl L. Core Road





STAFF REPORT ADDENDUM B
CU 13-16 / Jared Hartsock / 1450 Earl L. Core Road

Staff recommended revisions to petitioner's Findings of Fact (deleted matter struck through; new matter underlined).

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

Existing use is already retail.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

~~Within the city limits plenty of access.~~ The "Automotive Sales" use and tenant space occupancy will comply with related Building Code and Fire Code requirements.

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

No structural changes are required or proposed to the building that would affect existing light distribution and airflow within the immediate area. ~~Nothing to be released in air.~~

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

The proposed "Automotive Sales" use will occupy an existing multi-tenant commercial retail structure.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

Only have two employees. A residential use of the property is not proposed for the conditional "Automotive Sales" use.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

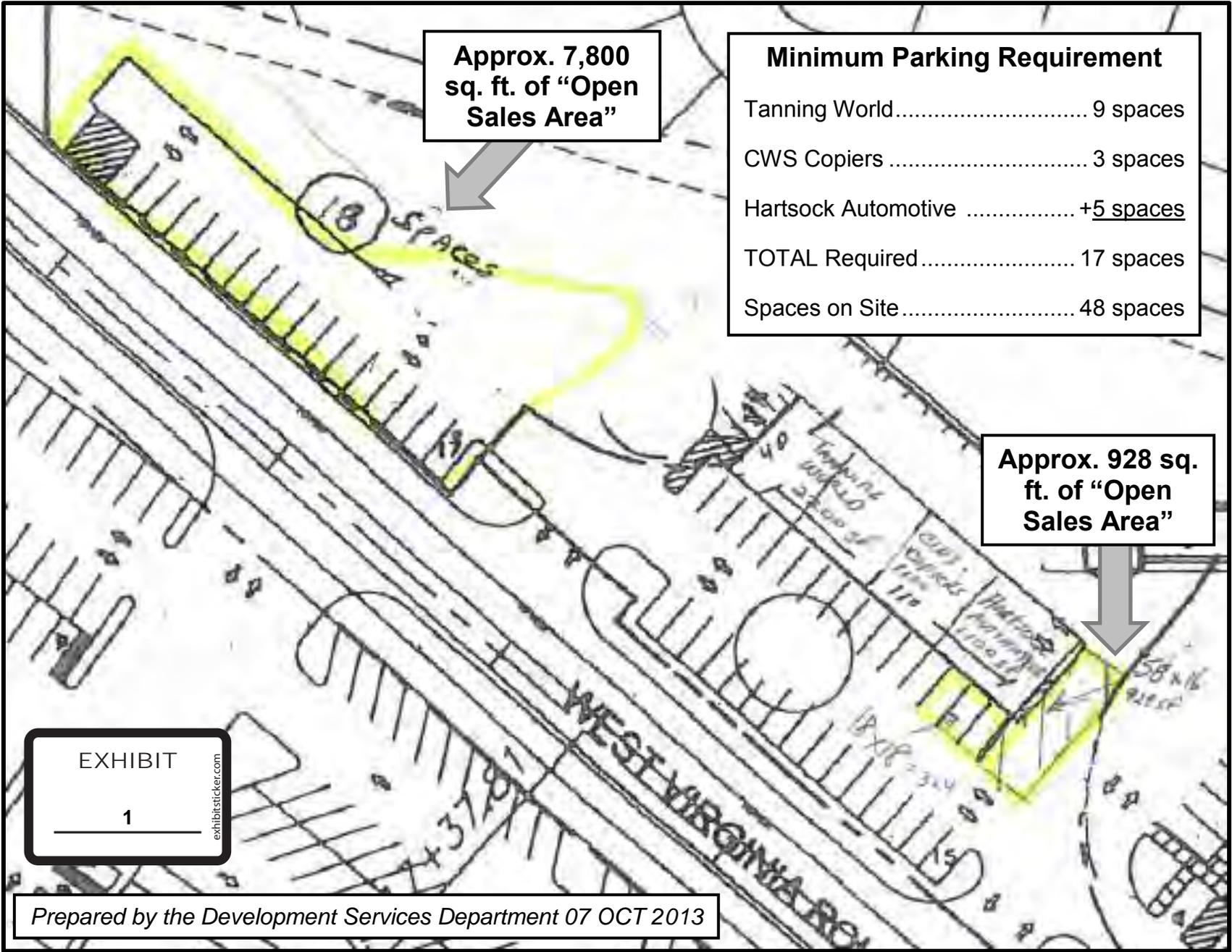
Existing structure of building won't change. The proposed "Automotive Sales" use does not appear to require public services, facilities, or utilities that are not already available within the immediate area.

Finding of Fact No. 7 – Value of buildings will be conserved, in that:

No alterations are proposed to the existing commercial building. The proposed "Automotive Sales" use occupy an existing multi-tenant commercial retail building, which is located within 500 feet of two existing "Automotive Sales" uses including Premier Ford Lincoln and J.D. Byrider.

Finding of Fact No. 8 – The most appropriate use of land is encouraged, in that:

High visibility, good traffic patterns within the City. The proposed location of the "Automotive Sales" use is within a heavily traveled commercial corridor that includes two existing "Automotive Sales" uses within 500 feet of the subject site.



**Approx. 7,800
sq. ft. of "Open
Sales Area"**

Minimum Parking Requirement

Tanning World.....	9 spaces
CWS Copiers	3 spaces
Hartsock Automotive	<u>+5 spaces</u>
TOTAL Required.....	17 spaces
Spaces on Site.....	48 spaces

**Approx. 928 sq.
ft. of "Open
Sales Area"**

EXHIBIT
1
exhibitsticker.com

Prepared by the Development Services Department 07 OCT 2013



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN - CONDITIONAL USE

0107

75.00

OFFICE USE	
CASE NO.	CU13-16
RECEIVED:	8/30/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT			
Name:	Jared Hartsack	Phone:	724323-6747
Mailing Address:	Street	1429 George Fairchance Rd	Mobile:
	City	Morgantown WV 26505	Email:
	State		Jared_15478@yahoo.com
Zip			
II. AGENT / CONTACT INFORMATION			
Name:		Phone:	
Mailing Address:	Street		Mobile:
	City		Email:
	State		
Zip			
Mailings -	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	Glenmark Holding LLC	Phone:	304-692-6505
Mailing Address:	Street	6 Canyon Rd Suite 300	Mobile:
	City	Morgantown WV 26508	Email:
	State		
Zip			
IV. SITE			
Street Address (if assigned):	1450 Earl L Core Rd Suite 175	Tax Map #:	Parcel #:
Zoning:			
Lot Dimensions:	Width:	Ft.	Depth:
Square Footage:	1252		ft. ²
Shape of Lot:	<input type="checkbox"/> Corner <input type="checkbox"/> Interior <input type="checkbox"/> Through <input type="checkbox"/> Flag <input type="checkbox"/> Irregular <input type="checkbox"/> Non-conforming		
Existing Use of Structure or Land:	Retail space		
Proposed Use of Structure of Land:	Retail Pre-owned auto sales		

861 5/30/2013 14:31:02 PATTY ELITE PLAN

P R I D

Finance Office Morgantown, WV 26505 (304) 284-7408

OK 1255



City of Morgantown, West Virginia

APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CUI3-1e
RECEIVED:	_____
COMPLETE:	_____

V. STRUCTURE

Proposed Setbacks: Front: _____ ft. Rear: _____ ft. Side A: _____ ft. Side B: _____ ft.

Proposed Height of Structure: _____ No. of Proposed Off-Street Parking Spaces: _____

No. of Dwelling Units (if applicable): _____ No. of Bedrooms: _____ No. of Employees: _____

Square Footage of all Proposed Structures (please explain): _____

VI. SITE PLAN

A Site Plan (8 copies), drawn to scale, that includes the following elements must accompany the application if not provided above in Sections IV and V:

- (a) The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a registered design professional licensed by the State of West Virginia.
- (b) The exact sizes and locations on the lot of existing structures, if any;
- (c) The location, square footage, and dimensions of the proposed structure or alteration;
- (d) The location of the lot with respect to adjacent rights-of-way;
- (e) The existing and proposed uses of the structure and land;
- (f) The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate;
- (g) The location and dimensions of off-street parking and means of ingress and egress for such space;
- (h) Height of structure;
- (i) Setbacks;
- (j) Buffer yard and screening, if applicable;
- (k) Location of garbage collection area and screening;
- (l) Location of existing and/or proposed signs, if applicable;
- (m) Roadway typical detail for internal roadways, if applicable;
- (n) Location and size of stormwater management facilities; and,
- (o) Utility lines and easements, if applicable.



**APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE**

OFFICE USE

CASE NO.

CW3-16

RECEIVED:

COMPLETE:

VII. SUPPLEMENTAL PLANS AND EXHIBITS

Applicants **MUST** also submit the following plans and exhibits, unless waived by the Planning Director:

- (a) Drainage plan and drainage calculations that bear the name, address, signature and seal of a registered professional engineer licensed by the State of West Virginia, with floodplain zones clearly denoted, a typical of all swales, and a design of the drop inlets.
- (b) If applicable, design of stormwater management facilities and drainage calculations that bear the name, address, and seal of a registered professional engineer licensed by the State of West Virginia that meet the requirements of the City Zoning Ordinance, the City Stormwater Management Ordinance, and all other applicable local, state and federal regulations.
- (c) Parking and Landscaping Plan
- (d) Sign Plan
- (e) Approved WV Division of Highways Access Permit, if applicable
- (f) Sediment and erosion control plan as approved by the West Virginia Department of Environment Protection and the City of Morgantown
- (g) Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable
- (h) A traffic impact study, if required by the City Engineer
- (i) The Planning Director may require the applicant to submit additional information concerning the lot or neighboring lots to determine conformance with, and provide for the enforcement of, the City Zoning Ordinance.
- (j) The Planning Director may require the applicant to submit, in the case of accessory structures or minor additions, dimensions shown on plans relating to the size of the lot and the location of the structure(s) thereon be based on an actual survey prepared a registered design professional licensed by the State of West Virginia.

Applicants submitting a conditional use application in accordance with Article 313.05 "Building Height and Use" within the B-4 General Business District **MUST** also submit the following analyses:

- (a) An air flow analysis conducted by a licensed architect or profession engineer, describing the estimated impact of the proposed building on existing patterns of air flow in the general vicinity; and how those impacts may affect existing properties with a 300 foot radius of the site.
- (b) An analysis of the impacts of the proposed building on sunlight distribution in the general vicinity, with special emphasis on predicting light blockage and shadow casting onto all properties with a 300 foot radius of the site. Such analysis shall be conducted by a licensed architect or professional engineer.
- (c) An analysis of the potential of "stepping back" upper floors as a technique to avoid negative impacts with respect to light and airflow, and to minimize the canyon effect of non-recess tall buildings. Such analysis shall be conducted by a licensed architect or professional engineer.
- (d) An infrastructure and traffic analysis predicting the impacts of the building on water, sewer, drainage, electrical and gas infrastructure, on transportation levels of service (including transit) for impacted streets, and on fire suppression capabilities of the city. Such analysis shall be conducted by a licensed architect or professional engineer.



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VIII. FINDINGS OF FACT

The Board of Zoning Appeals may grant the request only if each of the Conditional Use Findings of Fact Criteria is determined to be in the positive. Applicants must give their own responses to the criteria statements provided below.

This Conditional Use is within the fitting character of the surrounding area and is consistent with the spirit, purpose, and intent of the Zoning Ordinance, *because,*

1. Congestion in the streets is not increased, in that:

Existing use is already retail

2. Safety from fire, panic, and other danger is not jeopardized, in that:

Within the city limits plenty of access

3. Provision of adequate light and air is not disturbed, in that:

No structural changes to the building
Nothing to be released in Air.

4. Overcrowding of land does not result, in that:

Existing structure

5. Undue congestion of population is not created, in that:

only have two employees



APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

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VIII. FINDINGS OF FACT (cont.)

6. Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

Existing structure of building won't change.

7. Value of buildings will be conserved, in that:

No Alterations

8. The most appropriate use of land is encouraged, in that:

High visability, good traffic patterns.
within the city

IX. 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. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. 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.

Jared HartsocK

8/30/13

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

- Conditional Use Petition Fee of \$75 must accompany application