



# MORGANTOWN BOARD OF ZONING APPEALS

December 18, 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:** CU13-21 / Superior Ford Lincoln / Eljadid Street

### **REQUEST and LOCATION:**

Request by Mel Turner, on behalf of *Superior Ford Lincoln*, for a conditional "Outdoor Storage" use located near U.S. Post Office facility at 1902 Eljadid Street.

### **TAX MAP NUMBER(s) and ZONING DESCRIPTION:**

Tax Map 44, Parcel 34; B-2, Service Business District

### **SURROUNDING ZONING:**

B-2, Service Business District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to store vehicle inventory for the *Superior Ford Lincoln* dealership, which is located at 1351 Earl L. Core Road. The proposed storage site is located next to the U.S. Post Office facility in Sabraton on the former Sterling Faucet site. Addendum A of this report illustrates the location of the subject site.

Article 1329.02 of the Planning and Zoning Code provides the following land use definition:

OUTDOOR STORAGE – The storage of any material for a period of greater than 24 hours, including items for sale or, lease, processing, and repair (including vehicles) not in an enclosed building.

Table 1331.05.01 "Permitted Land Uses" provides that "Outdoor Storage" uses require conditional use approval by the Board.

The location of the proposed storage lot will be on an existing paved area at the bend in Eladid Street that turns in to Carnegie Street. The petitioner seeks to also erect a fence that will enclose the storage area. The proposed fence area is approximately 95 feet by 200 feet for a total area of 19,000 square feet. If the conditional use is approved, the fence type, height, gate location along with the lighting plan will be reviewed during building permit application.

### **STAFF RECOMMENDATION:**

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

## **Development Services**

Christopher Fletcher, AICP  
Director

## **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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Staff recommends that the following conditions be included should the Board grant approval of Case No. CU13-21:

1. That the area for which the "Outdoor Storage" use is granted herein may not be used for the storage of dismantled, wrecked, demolished, salvaged or abandoned vehicles; motor vehicle parts, scrap, or junk; or, scrap or discarded material or equipment including, but not limited to, metal, paper, rage, tires, glass, machinery, structural steel, equipment, appliances, etc.
2. That the area of the "Outdoor Storage" use granted herein may not be expanded without the prior approval of the Board of Zoning Appeals.
3. That fencing and lighting must meet minimum related performance standards set forth in the Planning and Zoning Code.
4. That no commercial signage or messaging may be erected at the subject site.
5. That the conditional use approval granted herein is specific to Superior Ford Lincoln corporate organization and may not be transferred without the prior approval of the Board of Zoning Appeals.

Attachments: Application and submitted exhibits.

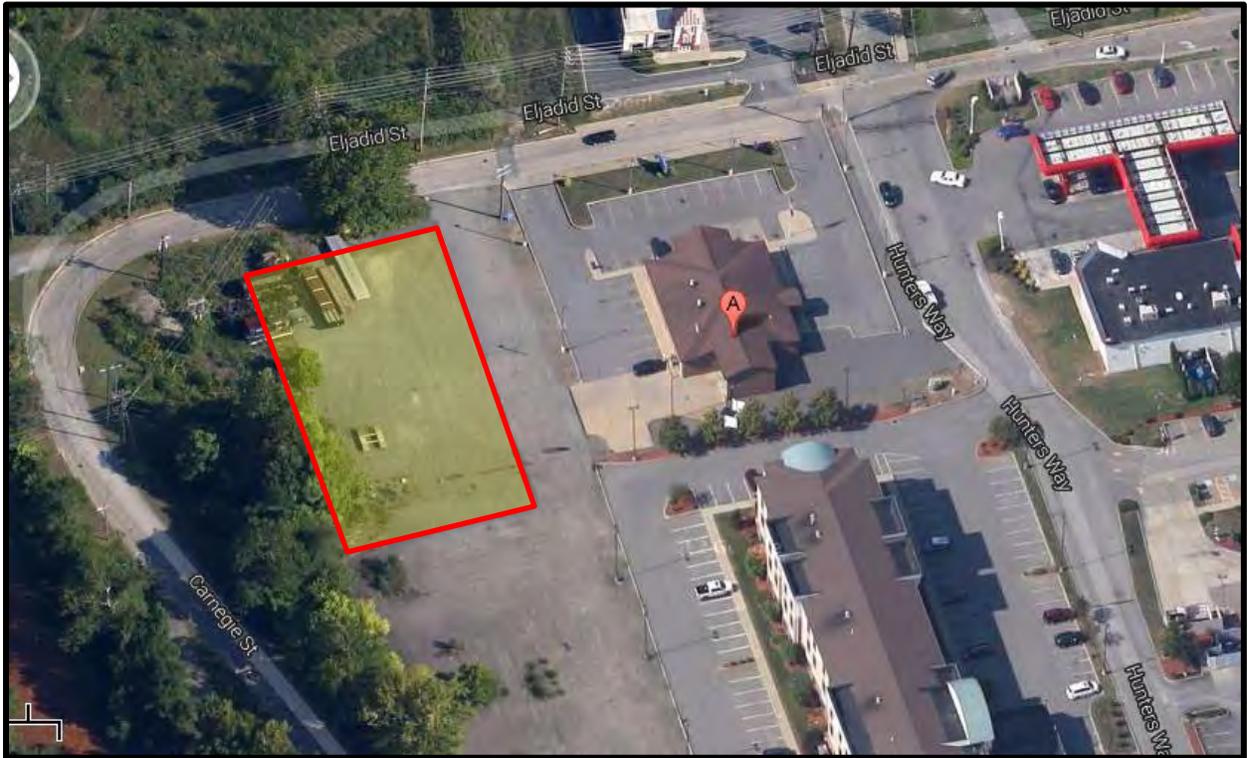
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**STAFF REPORT ADDENDUM A**  
**CU13-21 / Superior Ford Lincoln / Eljadid Street**



**STAFF REPORT ADDENDUM B**  
**CU 13-21 / Superior Ford Lincoln / Eljadid Street**

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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:

Off Street parking and access already exist. Limited use of area is anticipated (approx. 1-2 times/day)

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

~~Nature of intended use (overflow parking of new vehicles. No structures to be erected to cause fire hazard; proposed storage use is intended to only serve as overflow parking of new vehicles.~~

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

No structures to be erected to restrict current light and air conditions/movement.

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

Only a small portion of the property is scheduled for the intended use (2.20 ac. Parcel/.5 ac. to be used). No buildings or structures to be constructed.

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

No buildings or structures to be constructed. Limited usage of area on daily basis. Residential use is not proposed.

**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:

No buildings or structures to be constructed which normally require support infrastructure. ~~(i.e.; sewage, water, transportation service, schools, parks, etc.)~~

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

No or little change in existing conditions other than re-establishing security fencing once used by a utility company. Temporary use anticipated.

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

Intended use of area is temporary in nature and can be returned to previous conditions easily. Supports local car dealership needs and local economy.



APPLICATION FOR TYPE IV SITE PLAN - CONDITIONAL USE

OFFICE USE	
CASE NO.	C113-21
RECEIVED:	11/7/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT

Name:	SUPERIOR FORD LINCOLN	Phone:	304-296-4477
Mailing Address:	ATTN: MEL TURNER - MANAGER	Mobile:	304-816-6506
	Street: 1351 EARL CORE ROAD	Email:	roko_arnold@yahoocan
	City: MORGANTOWN State: WV Zip: 26505		

II. AGENT / CONTACT INFORMATION

Name:	CORE ENVIRONMENTAL SERVICES, INC.	Phone:	304-292-2673
Mailing Address:	ATTN: MIKE LUTMAN - PROJECT MANAGER	Mobile:	304-290-9727
	Street: 4-BROOKSTONE PLAZA	Email:	MLUTMAN@CORE-ENV.COM
	City: MORGANTOWN State: WV Zip: 26508		

Mailings - Send all correspondence to (check one):  Applicant OR  Agent/Contact

III. PROPERTY

Owner:	ELDGER PROPERTIES LLC	Phone:	304-225-0978
Mailing Address:	ATTN: JOE SWIGER	Mobile:	304-288-0335
	Street: 134 DISTRIBUTOR DRIVE	Email:	JOESWIGER@ELDGER.COM
	City: MORGANTOWN State: WV Zip: 26508		

IV. SITE

Street Address (if assigned): N/A Tax Map #: 44 Parcel #: P1034

Zoning: B-2

Lot Dimensions: Width: — Ft. Depth: — Ft. Square Footage: 95,800 ft.<sup>2</sup>

Shape of Lot:  Corner  Interior  Through  Flag  Irregular  Non-conforming

Existing Use of Structure or Land: PREVIOUSLY LIGHT INDUSTRIAL

Proposed Use of Structure of Land: OUTSIDE STORAGE (NEW VEHICLES) FENCED AREA (39,000/2 AC.)

CRYSTAL  
11/07/2013 11:04:06  
SITE PLAN

PAID 75.00



APPLICATION FOR  
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V. STRUCTURE (N/A)

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 (SEE ATTACHED 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.



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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. *(SEE ATTACHED SITE PLAN)*
- (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. *N/A (NO CHANGE IN CURRENT LAND-USE OR SURFACE)*
- (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. *(NO NEW DISTURBANCE)*
- (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.



APPLICATION FOR  
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE

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COMPLETE: \_\_\_\_\_

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:

- OFF-STREET PARKING & ACCESS ALREADY EXIST.
- LIMITED USE OF AREA IS ANTICIPATED (2 approx. 1-2 TIMES/DAY)

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

- NATURE OF INTENDED USE (OVERFLOW PARKING OF NEW VEHICLES)
- NO STRUCTURES TO BE ERECTED TO CAUSE FIRE HAZARD

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

- NO STRUCTURES TO BE ERECTED TO RESTRICT CURRENT LIGHT & AIR CONDITIONS / MOVEMENT

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

- ONLY A SMALL PORTION OF THE PROPERTY IS SCHEDULED FOR THE INTENDED USE (2.20 AC. PARCEL / 1/2 AC. TO BE USED)
- NO BUILDINGS OR STRUCTURES TO BE CONSTRUCTED

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

- NO BUILDINGS OR STRUCTURES TO BE CONSTRUCTED
- LIMITED USAGE OF AREA ON DAILY BASIS



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:

- No BUILDINGS OR STRUCTURES TO BE CONSTRUCTED WHICH NORMALLY REQUIRE SUPPORT INFRASTRUCTURE (i.e.; SEWERAGE, WATER, TRANSPORTATION SERVICES, SCHOOLS, PARKS, ETC).

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

- No OR LITTLE CHANGE IN EXISTING CONDITIONS (RE-ESTABLISH SECURITY FENCING)
- TEMPORARY USE ANTICIPATED

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

- INTENDED USE OF AREA IS TEMPORARY IN NATURE AND CAN BE RETURNED TO PREVIOUS CONDITIONS EASILY.
- SUPPORTS LOCAL CAR DEALERSHIP NEEDS & LOCAL ECONOMY

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.

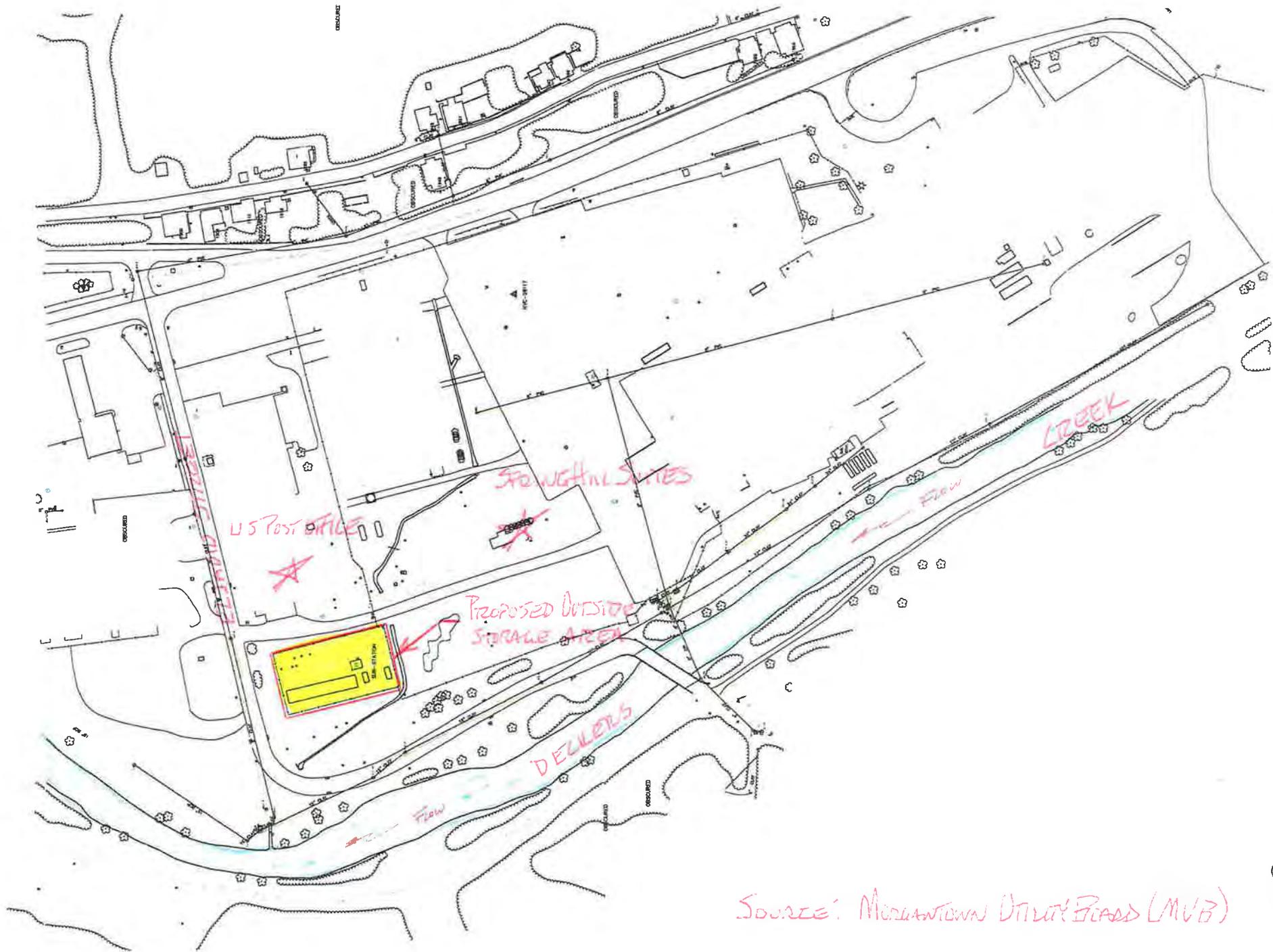
Melvin TURNER, SR.  
Type/Print Name of Applicant/Agent

[Signature]  
Signature of Applicant/Agent

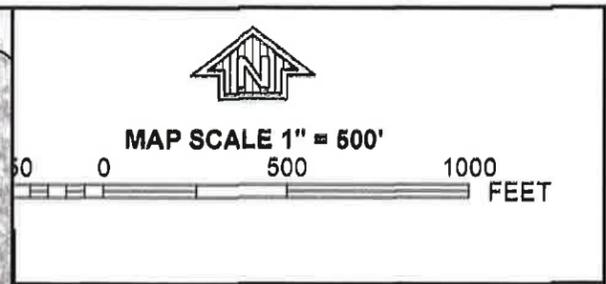
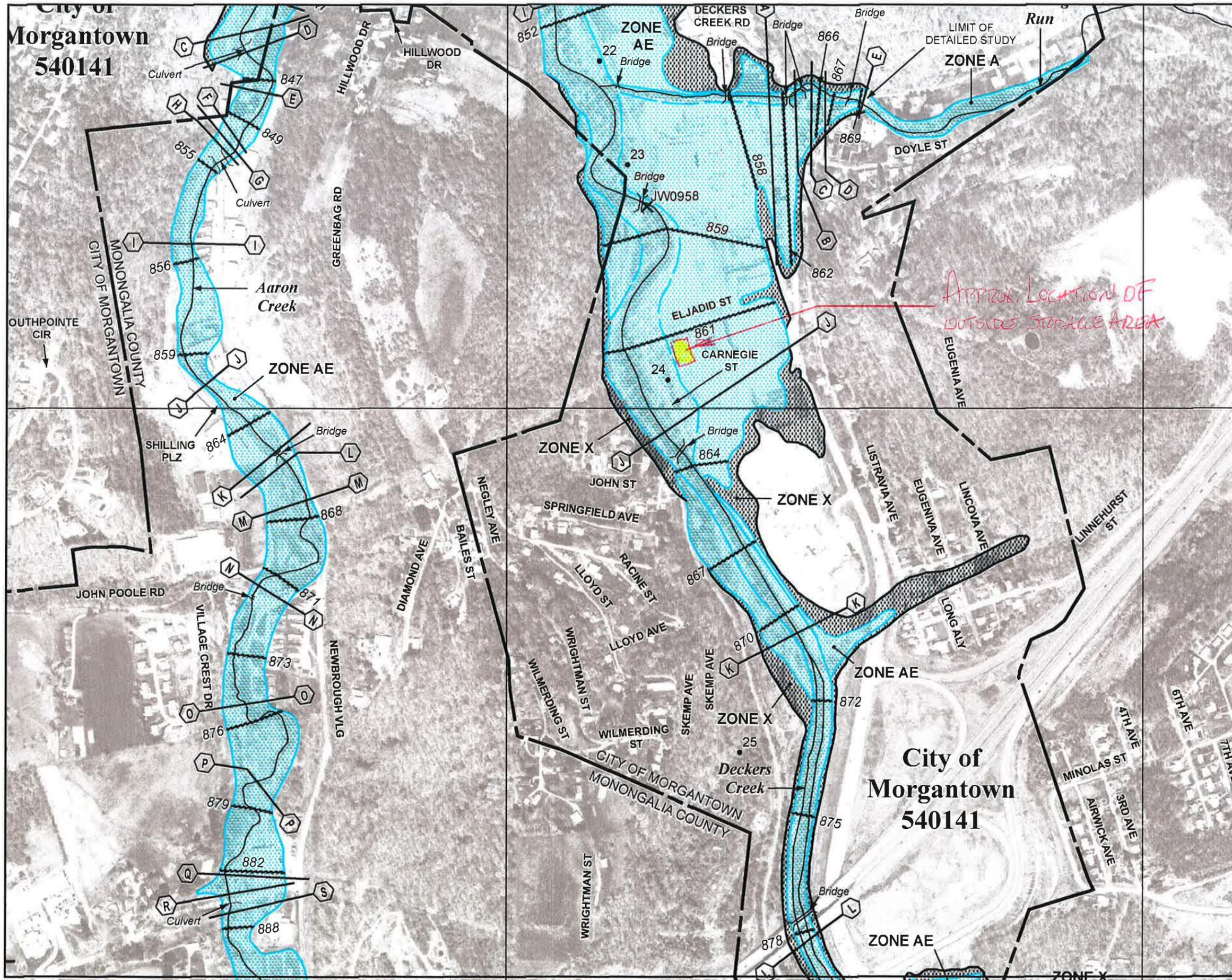
11/06/2013  
Date

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





SOURCE: MOUNTAIN TOWN DRIVE BRIDGE (MVB)



PANEL 0231E

**FIRM**  
FLOOD INSURANCE RATE MAP

**MONONGALIA COUNTY,  
WEST VIRGINIA  
AND INCORPORATED AREAS**

**PANEL 231 OF 325**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

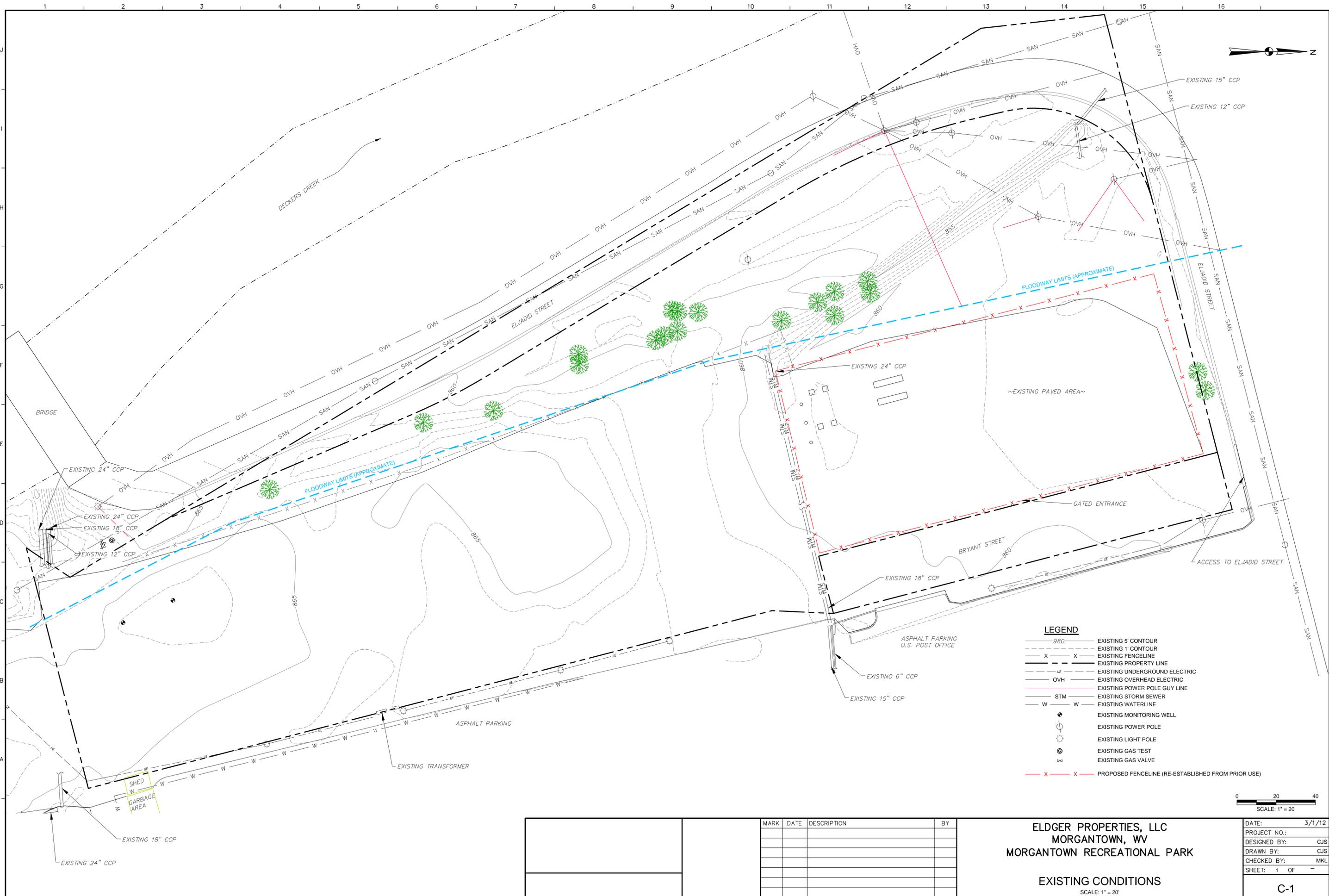
COMMUNITY	NUMBER	PANEL	SUFFIX
MONONGALIA COUNTY	540129	0231	E
MORGANTOWN, CITY OF	540141	0231	E

Notes to User: The Map Number shown below should be used when placing map orders, the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
**54061C0231E**  
**EFFECTIVE DATE**  
**JANUARY 20, 2010**

 Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



**LEGEND**

- 980 — EXISTING 5' CONTOUR
- — — EXISTING 1' CONTOUR
- X-X- EXISTING FENCELINE
- — — EXISTING PROPERTY LINE
- UE- EXISTING UNDERGROUND ELECTRIC
- OVH- EXISTING OVERHEAD ELECTRIC
- — — EXISTING POWER POLE GUY LINE
- STM- EXISTING STORM SEWER
- W-W- EXISTING WATERLINE
- EXISTING MONITORING WELL
- EXISTING POWER POLE
- ⊙ EXISTING LIGHT POLE
- ⊗ EXISTING GAS TEST
- ⊕ EXISTING GAS VALVE
- X-X- PROPOSED FENCELINE (RE-ESTABLISHED FROM PRIOR USE)

0 20 40  
SCALE: 1" = 20'

MARK	DATE	DESCRIPTION	BY

**ELDGER PROPERTIES, LLC**  
**MORGANTOWN, WV**  
**MORGANTOWN RECREATIONAL PARK**

**EXISTING CONDITIONS**  
 SCALE: 1" = 20'

DATE: 3/1/12  
 PROJECT NO.:  
 DESIGNED BY: CJS  
 DRAWN BY: CJS  
 CHECKED BY: MKL  
 SHEET: 1 OF -

C:\Users\CJ Strakal\Desktop\ELDGER01.dwg PLOT CJ STRAKAL 11/6/2013 8:03:18 AM