



MORGANTOWN BOARD OF ZONING APPEALS

April 30, 2014
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
Bill Burton
George Papandreas
Jim Shaffer

STAFF REPORT

CASE NO: CU14-02 / M&J Property Holdings / 484 Harding Street

REQUEST and LOCATION:

Request by Mike Saab, on behalf of *M&J Property Holdings*, for a conditional "Private Lot, Private" use located at 484 Harding Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 11, Parcel 141; R-3, Multi-Family Residential District

SURROUNDING ZONING:

North: B-2, Service Business District

South, East and West: R-3, Multi-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner has razed and removed the existing residential structure and seeks to develop a "Private Parking Lot" use that will be used as an accommodation by visitors to the Islamic Center of Morgantown, which is located at 434 Harding Street. 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:

PARKING LOT, PRIVATE – An open area, other than a street or alley, designed to be used for the temporary parking of more than four motor vehicles, whether free or for compensation and available for private use or as an accommodation for clients or customers.

Table 1331.05.01 "Permitted Land Uses" provides that "Parking Lot, Private" uses in the R-3 District require conditional use approval by the Board.

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. CU14-02:

1. That the petitioner shall work with the City Engineer, to the greatest extent practicable, to design and locate the driveway entrance to the proposed "Private Parking Lot" use from the adjoining alley and not from Harding Street or Country Club Boulevard. Further, that the site plan submitted with the related building permit application be revised accordingly.
2. That the site plan submitted with the related building permit application be revised to include a minimum four (4) foot landscape buffer along the site's Harding Street and Country Club Boulevard frontages and a minimum four (4) foot landscape buffer along the site's side property boundary shared with the adjoining multi-family dwelling use.
3. That the site plan submitted with the related building permit application be revised to illustrate that all areas within the parking lot including terminal islands that are not used for parking spaces or drive-aisles be landscaped.
4. That all parking areas and drive-aisles shall be surfaced with an all-weather, dust-free concrete or asphalt material and shall be maintained in a good condition and free of weeds, trash, and debris; provided, other surface materials and design may be utilized when specifically approved by the City Engineer, for purposes of reducing stormwater runoff or other environmental and aesthetic considerations.
5. That a Lighting Plan that includes photometric plan in footcandles be submitted with the related building permit application.
6. That the primary use of the "Private Parking Lot" for which conditional use is granted herein is restricted to an accommodation by visitors to the Islamic Center of Morgantown located at 434 Harding Street and that parking spaces within the subject parking lot may not be leased for any length of time without prior approval of the Board of Zoning Appeals as a conditional "Commercial Parking Lot" use.
7. That, as a part of related building permit application, the petitioner shall submit a signage plan, to the satisfaction of the Planning Division, to assist in managing and restricting the use of the parking lot as described in Condition 6 above.

Attachments: Application and submitted exhibits.

Development Services

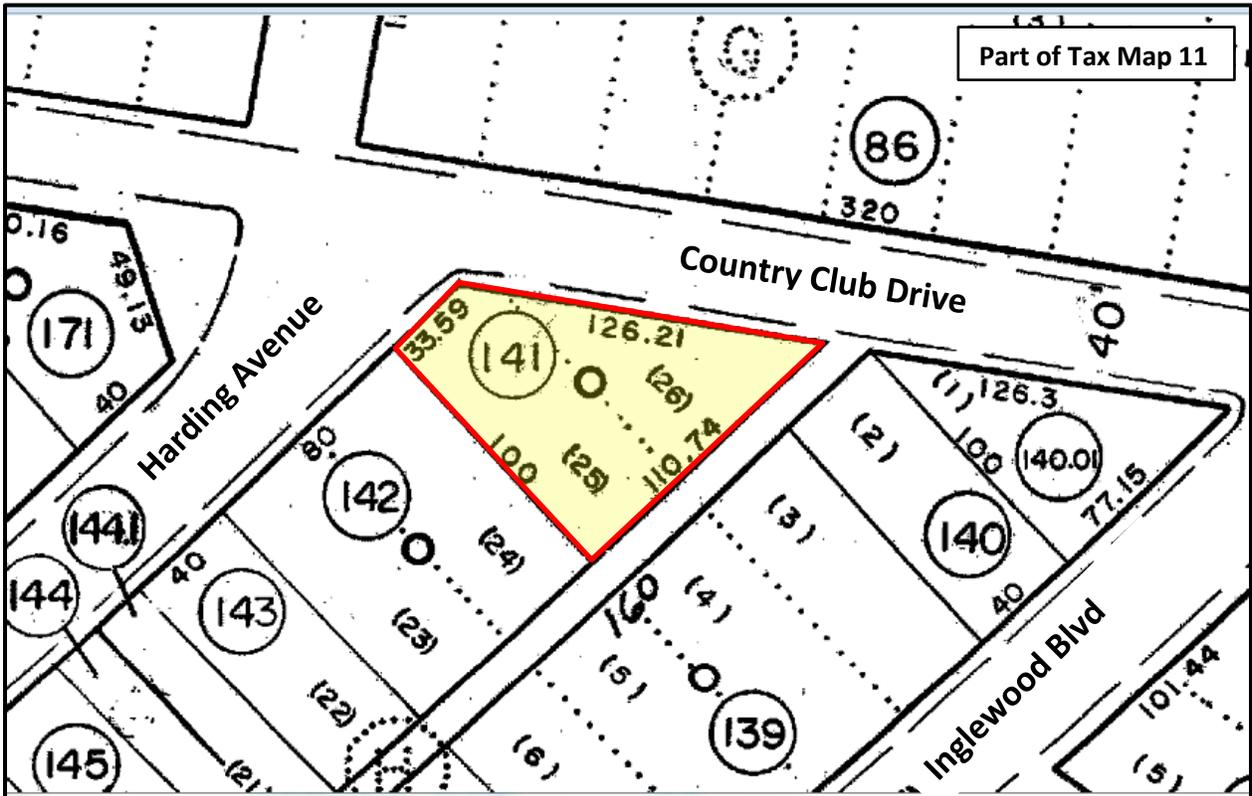
Christopher Fletcher, AICP
Director

Planning Division

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Morgantown, WV 26505
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STAFF REPORT ADDENDUM A
CU14-02 / M&J Property Holdings / 484 Harding Street





STAFF REPORT ADDENDUM B
CU14-02 / M&J Property Holdings / 484 Harding Street

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:

Building this parking lot will allow cars “not” to be parked in the street.

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

This is an open air private parking lot.

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

The mosque will use this parking lot during the day for overflow parking.

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

This lot has been laid out to fit approximately nineteen (19) parking spaces.

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

Students were parking all around this structure prior to tearing down building. “Private Parking” signs will be installed to control parking.

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:

Granting this request will help with the need for parking along Harding Street by providing parking to some of the people parking along that street.

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

It will be a paved lot which will be similar to what is being built across the street.

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

It will provide parking for some cars that were parked along the street.



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN - CONDITIONAL USE

OFFICE USE	
CASE NO.	CU14-02
RECEIVED:	2/17/14
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT			
Name:	M&J Property Holdings	Phone:	304-599-3369
Mailing Address:	6 CANYON ROAD SUITE 300	Mobile:	
	MORGANTOWN WV 26508	Email:	
II. AGENT / CONTACT INFORMATION			
Name:	MIKE SAAB	Phone:	304-599-3369
Mailing Address:	6 CANYON ROAD SUITE 300	Mobile:	304-692-6503
	MORGANTOWN WV 26508	Email:	
Mailings -	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	NORTH AMERICAN ISLAMIC TRUST	Phone:	
Mailing Address:	SAME	Mobile:	
		Email:	
IV. SITE			
Street Address (if assigned):	484 HARDING	Tax Map #:	11
Zoning:	R3	Parcel #:	141 (7th Ward)
Lot Dimensions:	Width: 100 Ft.	Depth: 110 Ft.	Square Footage: @ 5500 ft. ²
Shape of Lot:	<input checked="" 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:	HOUSE		
Proposed Use of Structure of Land:	PARKING LOT		

REC
2/17/2014
301405192

KRISTEN
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SITE PLAN

0 0 1 0
25.02

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



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CL04-02
RECEIVED:	
COMPLETE:	

V. STRUCTURE

Proposed Setbacks: Front: 1 ft. Rear: 1 ft. Side A: 1 ft. Side B: 1 ft.
Proposed Height of Structure: N/A No. of Proposed Off-Street Parking Spaces: _____
No. of Dwelling Units (if applicable): N/A No. of Bedrooms: N/A No. of Employees: N/A
Square Footage of all Proposed Structures (please explain): No structures (Parking Lot)

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. CU14-02
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.



APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CW402
RECEIVED:	
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: Building this parking lot will allow cars "not" to be parked in street

2. Safety from fire, panic, and other danger is not jeopardized, in that: This is an open air private parking lot.

3. Provision of adequate light and air is not disturbed, in that: The mosque will use this parking lot during the day for over flow parking.

4. Overcrowding of land does not result, in that: This lot has been layed out to fit ~19 parking spaces.

5. Undue congestion of population is not created, in that: Students were parking all around this structure prior to tearing down building. "Private parking" signs will be installed to control parking.



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	C114-02
RECEIVED:	
COMPLETE:	

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:

Granting this request will help with the need for parking along Harding St. by providing parking to some of the people parking along that street.

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

It will be a paved lot which will be similar to what is being built across the street.

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

It will provide parking for some cars that were parked along the street.

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.

Michael J. Sarrs

Type/Print Name of Applicant/Agent

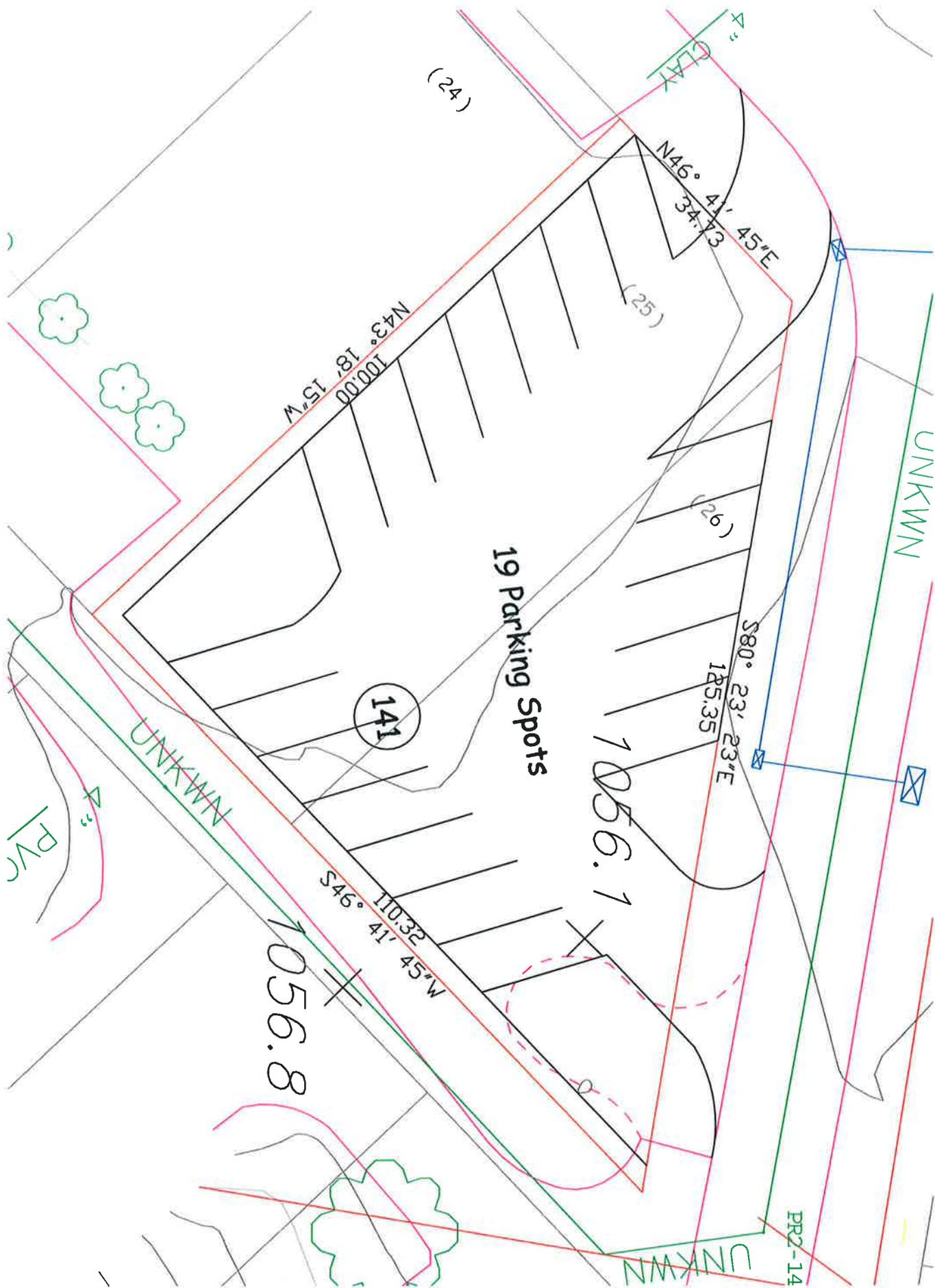
[Signature]

Signature of Applicant/Agent

1-31-14

Date

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





0014-02

CW4-DZ

