



MORGANTOWN BOARD OF ZONING APPEALS

February 18, 2015
6:30 PM
City Council Chambers

Board Members:

Leanne Cardoso, Chair
Bill Burton, Vice-Chair
Linda Herbst
Jim Shaffer
George Papandreas

STAFF REPORT

CASE NO: COMBINED REPORT – CU15-02 and V15-10
Stan Corp / Evans Street

REQUEST and LOCATION:

Request by Dave Robertson, on behalf of Stan Corp, for the following approvals related to a “Multi-Family Dwelling” development on Evans Street.

- CU15-02 Condition “Multi-Family Dwelling” use in the OI District.
- V15-10 Variance relief from setback standards.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 15, Parcels 86, 87, 88, 89, 90, 92.1 and 93; O-I, Office and Industrial District

SURROUNDING ZONING:

North, West and South: R-3, Multi-Family Residential District
East: R-1A, Single-Family Residential District

BACKGROUND:

The petitioner seeks to develop 49 one-bedroom apartments, which requires Development of Significant Site Plan approval by the Planning Commission. Addendum A of this report illustrates the location of the subject site. Additionally, a Planning and Zoning Code Conformity Report dated 05 FEB 2015 is attached hereto.

Proposed Development Program

The following generally summarizes the proposed development program illustrated in the petitioner’s application documents.

- 49 one-bedroom multi-family dwelling units.
- The structure includes five (5) levels with parking on the lowest level.
- 58 parking spaces planned in the basement and as surface spaces, two (2) of which are van accessible.
- The developer’s design team has been working with the City Engineer, Fire Marshal, and MUB to identify, plan, and design requisite roadway and utility improvements, including the widening of Evans Street.

Application Exhibits

The following list identifies documents submitted by the petitioner as a part of the subject Development of Significant Impact Site Plan petition.

- Conditional Use Application and Variance Application.
- Drawings prepared by Cheat Road Engineering dated 30 DEC 2014

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- Drawings prepared by LAI Architecture Studio dated 01 DEC 2014.

Required Planning and Zoning Code Approvals

The following Planning and Zoning Code related approvals are required for the development program as proposed with modifications noted in the attached Conformity Report. Each case number is followed with a brief description.

Planning Commission

Case No. S15-02-IIIDevelopment of Significant Impact Site Plan.

Article 1385.05 provides that developments with 12 to 99 dwelling units are considered "Developments of Significant Impact" (DSI) which are those that have a neighborhood or citywide impact and involve the transportation network, environmental features such as parks or corridor streams, and local schools. DSI Site Plans must be reviewed and approved by the Planning Commission.

Case No. MNS15-02.....Minor Subdivision.

The development site includes seven (7) parcels that have been assembled, which must be combined so that the proposed structure is situated on one (1) parcel rather than crossing parcel boundaries.

Board of Zoning Appeals

Case No. CU15-02.....Conditional "Multi-Family Dwelling" use in OI District.

Table 1331.05.01 provides that "Multi-Family Dwelling" uses required conditional use approval in the OI District.

It should be noted that the Board granted conditional "Multi-Family Dwelling" use approval for the adjoining Metro Towers development under Case No. CU11-11 in October 2011 and again under Case No. CU12-20 in December 2012.

Case No. V15-10Variance relief from setback requirements.

Article 1343.04(A)(1) provides a minimum front setback requirement of fifteen (15) feet. The proposed site plan illustrates a ten (10) foot setback, which requires variance relief of five (5) feet.

Article 1343.04(A)(3) provides a minimum side setback requirement of thirty (30) feet. The proposed site plan illustrates an eight (8) foot west side setback, which requires variance relief of 22 feet.

Article 1367.07 provides that new multi-family residential buildings that abut a single- or two-family residential property (zoned or used) must provide a landscape buffer ten (10) feet wide. The petitioner's proposed west side setback is eight (8) feet, which requires variance relief of two (2) feet.

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ANALYSIS:

Comprehensive Plan Concurrence

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

It should be noted that "shall" statements within the Comprehensive Plan must be understood as desired objectives and strategies that do not have the force or effect of law unless incorporated into the City's Planning and Zoning Code.

With the exception of Principal 10 concerning parks, open space, and recreational areas, the proposed development program appears to be in concurrence with the Plan's principles for land management.

Staff encourages the Board to review the Comprehensive Plan for guidance as Addendum B is not intended to represent a complete comparative assessment.

Site Location

The subject site is located in an "Infill and Redevelopment" concept area. The plan notes that "Infill" describes the development of land in existing urban and suburban areas that is vacant but is near existing development and infrastructure. "Redevelopment" is improving or utilizing buildings or sites that have been developed (are not vacant), but are not reaching their highest and best use.

Some of the parcels that comprise the subject development site are undeveloped. Two (2) parcels contain single-family dwellings, which are not permitted in the OI District. Based on the Plan's guidance for "Infill" and "Redevelopment", it appears that the subject site represents an opportunity to address underutilization and reaching a higher and better use.

The subject development site represents a unique opportunity to strategically locate higher residential density along the University Avenue corridor that is linked to West Virginia University's Evansdale and Downtown campuses. Because the site is well served by public transit and is within walking and biking distance of primary educational and commercial destinations, residents can access alternate modes of transportation thereby reducing auto dependency and mitigating increased traffic congestion created by commuting traffic from higher density residential development outside the City of Morgantown.

To this point, Land Management Objective LM 5.2 of the 2013 Comprehensive Plan Update provides, "Permit higher density development in areas that are well-supported by existing or planned transportation infrastructure or transit services."

Appendix A of the Plan includes the subject site in "Future Study Area 7." These areas are places where the existing zoning does not align with the existing land uses or the

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existing pattern of development. Some of the Plans considerations for “Future Study Area 7” include:

- Consider zoning reclassifications that allow for higher residential density patterns.
- Provide incentives to assemble and consolidate realty.
- Discourage continued added density of converted single-family dwellings.
- Improve infrastructure supporting higher densities including sidewalks...increased supply of on-site parking.

Residential Density

Neighborhood and Housing Objective NH 4.1 offers to, “Provide incentives to development to encourage development of alternative housing types (i.e, higher density, live-work, mixed-use) in designated growth areas.”

Traffic Impact Analysis

The City Engineer has determined that the number of one-bedroom dwelling units will generate an insignificant amount of traffic and that an analysis is not warranted. The petitioner is working with the Engineering Department to plan, design, and construct widening and geometry improvements to Evans Street as a part of the proposed development that will serve to improve roadway safety and efficiency along with emergency access.

Parking

The proposed development program includes parking spaces that exceed minimum parking requirements.

Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for Case No. CU-02 and Case No. V15-10. However, each respective variance petition must be considered and acted upon by the Board separately.

STAFF RECOMMENDATION:

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

Again, each respective conditional use and variance petition must be considered and acted upon by the Board separately.

CU15-02 Condition “Multi-Family Dwelling” use in the OI District.

Staff recommends approval with the following conditions:

1. That Case No. S15-02-III and Case No. MNS15-02 be approved by the Planning Commission and all related conditions therein observed and/or addressed accordingly.

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2. That widening and geometry improvements to Evans Street must be completed to the satisfaction of the City Engineer including securing related performance bond.
3. That the final Landscape Plan and Erosion Control Plan must be submitted with the building permit application for review and approval. Variance approval must be obtained should said plans not conform to the related performance standards set forth in the City's Planning and Zoning Code.
4. That a Sign Plan must be submitted and reviewed under the standard building permit application process. Variance approval must be obtained should the Sign Plan not conform to related performance standards set forth in the City's Planning and Zoning Code.
5. That the development must meet all applicable federal Fair Housing and Americans with Disabilities Act standards to the satisfaction of the City's Chief Building Code Official.

V15-10 Variance relief from setback standards.

Staff recommends the following:

1. That a five (5) foot variance be granted from the minimum front setback standard [Article 1343.04(A)(1)] as requested.
2. That a twenty (20) foot variance be granted from the minimum west side setback standard [Article 1343.04(A)(3)] with the condition that a ten (10) foot wide bufferyard must be planned and landscaped along the west side of the proposed structure as required under Article 1367.07.
3. That the petitioner's request of a two (2) foot encroachment into the minimum ten (10) foot landscape bufferyard setback along the west side of the proposed structure be denied [Article 1367.07] based on the fact that two (2) feet can be gained by moving the building eastward by a like amount without adversely impacting vehicular or emergency access to the rear of the proposed structure.

Attachments: Applications, drawings, and enclosures noted above.

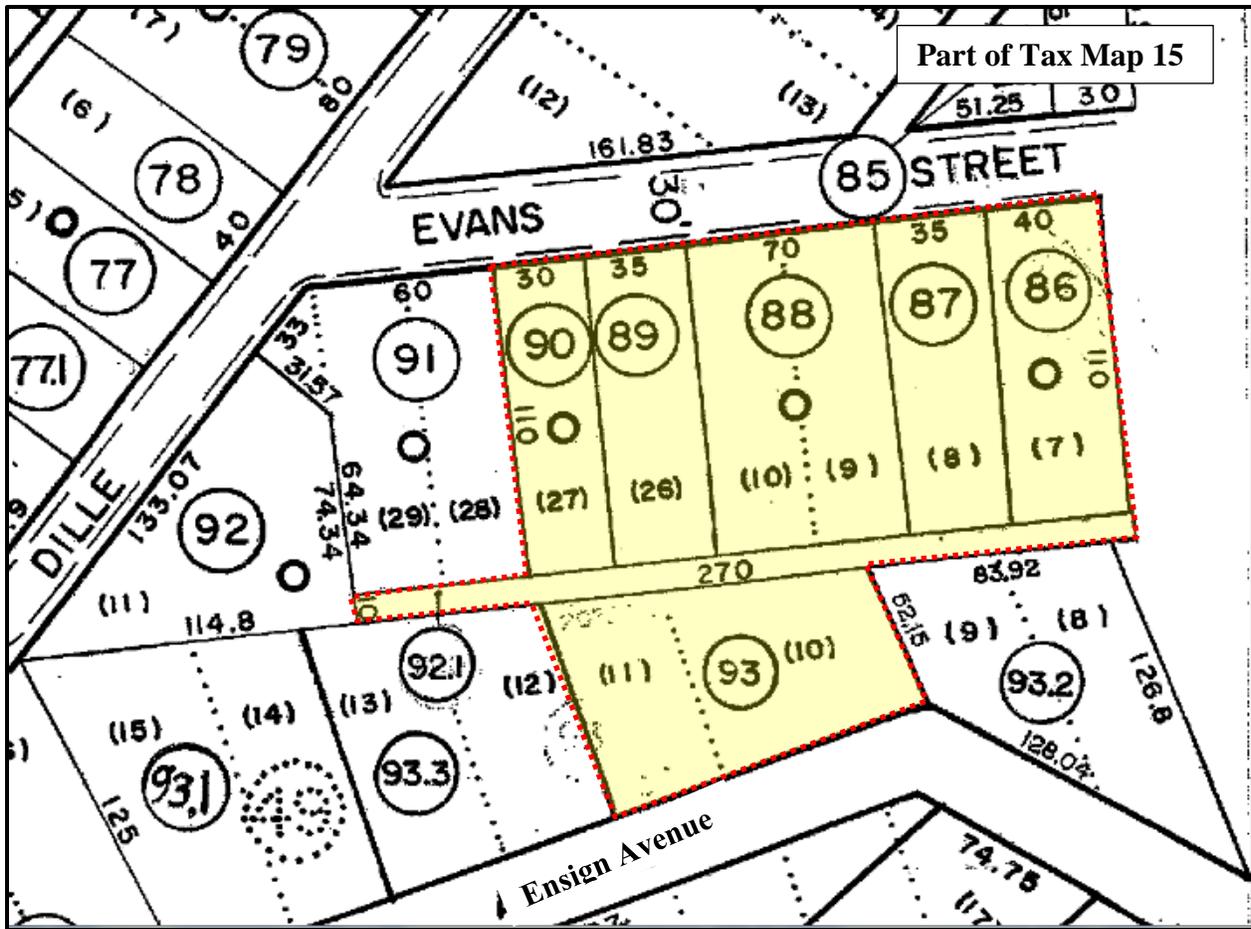
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STAFF REPORT ADDENDUM A

CU15-02 & V15-10 / Stan Corp / Evans Street





STAFF REPORT ADDENDUM B

CU15-02 & V15-10 / Stan Corp / Evans Street

Concurrence with the 2013 Comprehensive Plan Update

The following narrative identifies where, in the opinion of the Planning Division, the subject development of significant impact 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.
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Principles for Land Management

Principal 1	<p>Infill development and redevelopment of underutilized and/or deteriorating sites takes priority over development in green field locations at the city's edge.</p> <p><i>The development site includes three (3) single-family houses and three (3) undeveloped parcels. Single-family dwelling uses are not permitted in the OI District.</i></p>	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
Principal 2	<p>Expansion of the urban area will occur in a contiguous pattern that favors areas already served by existing infrastructure.</p> <p><i>The development site is nearly surrounded by multi-family developments of varying scales. The development will be required to improve the width and geometry of Evans Street as a part of the development, which should serve to improve vehicular and emergency access within the immediate area.</i></p>	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
Principal 3	<p>Downtown, adjacent neighborhoods and the riverfront will be the primary focus for revitalizations efforts.</p> <p><i>The development site is within a neighborhood that has experienced a significant transition from single-family dwellings to multi-family dwellings primarily for college-aged student housing over the past several decades and is linked to the multi-modal University Avenue corridor connecting the Evansdale and Downtown campuses.</i></p>	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
Principal 4	<p>Existing neighborhoods throughout the city will be maintained and/or enhanced.</p> <p><i>The proposed development appears to follow the residential density, massing, and scale of other multi-family development's within the immediate area.</i></p>	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other

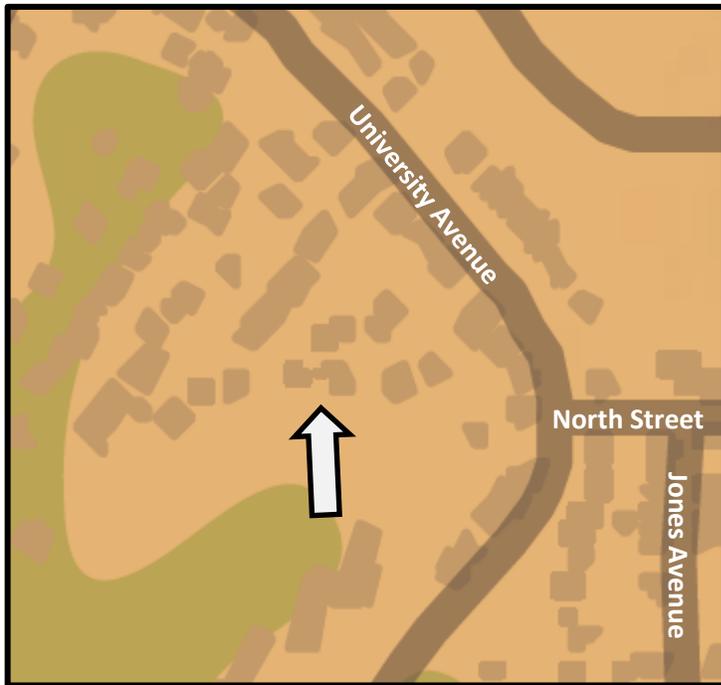
Principal 5	Quality design is emphasized for all uses to create an attractive, distinctive public and private realm and promote positive perceptions of the region.	<input checked="" type="checkbox"/> Concurrency <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>The proposed structure meets requisite design and performance standards and provides for roadway and sidewalk improvements along a very narrow street.</i>		
Principal 6	Development that integrates mixed-uses (residential, commercial, institutional, civic, etc.) and connects with the existing urban fabric is encouraged.	<input type="checkbox"/> Concurrency <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
<i>The proposed development program does not include mixed-uses due to its relative seclusion and lack of visibility from the University Avenue corridor. Confidence in and potential for market absorption of nonresidential uses at this site does not appear strong.</i>		
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.	<input checked="" type="checkbox"/> Concurrency <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>The subject site is less than 300 feet of walking distance from the University Avenue corridor, which is well serviced by public transit and is within walking and biking distance of the Evansdale and Downtown campuses. Redevelopment of the site to a higher residential density links 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. The proposed development will provide for roadway and sidewalk improvements thereby furthering alternate modes of transport.</i>		
Principal 8	A broad range of housing types, price levels and occupancy types will provide desirable living options for a diverse population.	<input checked="" type="checkbox"/> Concurrency <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>The proposed development program increases housing choice and diversity in the context of the immediate residential area; particularly the delivery of new housing stock and increasing the number of accessible housing units. Zoning ordinance dictates and/or guidelines concerning desired tenancy, affordability, and workforce opportunities identified in the 2013 Comprehensive Plan have not been developed or enacted.</i>		

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.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>The proposed development will introduce the first segment of formal sidewalks along Evans Street. The site is less than a 300 foot walk to the University Avenue corridor, which is well served by public transit and includes a sidewalk link between the Evansdale / Suncrest neighborhoods and the downtown and their respective commercial nodes.</i>		
Principal 10	Parks, open space, and recreational areas are incorporated as part of future development.	<input type="checkbox"/> Concurrence <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>On-site passive and/or active open space has not been included in the proposed development program.</i>		
Principal 11	Environmentally sensitive and sustainable practices will be encouraged in future developments.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
<i>The developer's goals and objectives concerning sustainable construction techniques and industry accepted best practices have not been fully developed.</i>		

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 **Conceptual Growth Framework Map** included on Page 19 of the 2013 Comprehensive Plan Update. The subject development site is located within the **“Infill and Redevelopment”** area.



Infill and Redevelopment

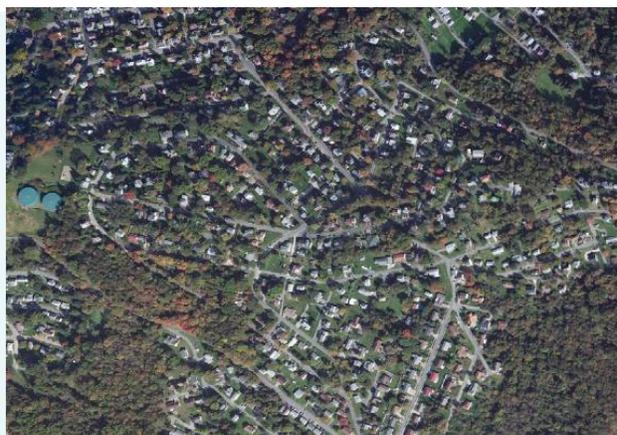
**PATTERN
AND
CHARACTER**

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.

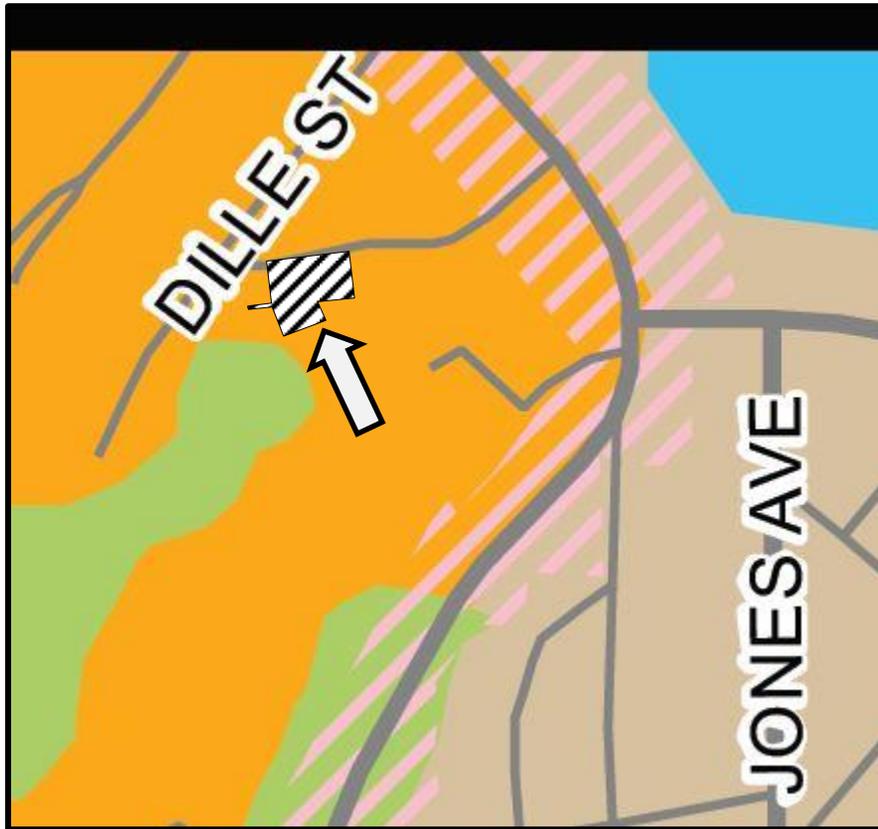
The following graphic is clipped from **Map 3 – Pattern and Character** included on Page 27 of the 2013 Comprehensive Plan Update. The subject development site is located within the “**Neighborhood 2**” pattern and character area.



Neighborhood 2. Neighborhood 2 is relatively lower density than neighborhood 1 with longer blocks and slightly larger lots. This district is primarily single-family residential but also includes some small-scale multi-family residential and commercial uses. The street pattern is generally a modified grid with more variety of block sizes, but still retaining a high degree of connectivity. The neighborhoods have multiple entry points with walkable access to transit, although many of these areas lack sidewalks. The multi-family buildings are either single-family structures that have been divided into multiple dwellings or small and isolated multi-unit buildings.



The following graphic is clipped from **Map 4 – Land Management** included on Page 39 of the the 2013 Comprehensive Plan Update. The subject development site is located within the “**Neighborhood Revitalization**” concept area.



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.

The following graphics are clipped from Pages 41 through 43 of the 2013 Comprehensive Plan Update and identify the development types desired within the “Core Enhancement” concept area.

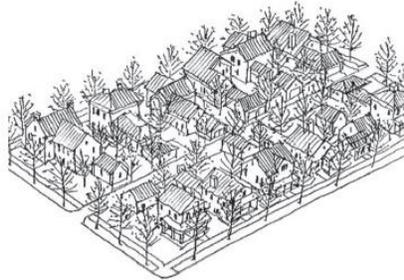
CONCEPT AREA	Appropriate Development Types											
	SF	TF	MF	C	NX	UC	CC	O	I	CD	OS	
 Neighborhood Revitalization	•	•	•	•	•							•

DEVELOPMENT TYPE DESCRIPTIONS

PATTERN AND CHARACTER EXAMPLES

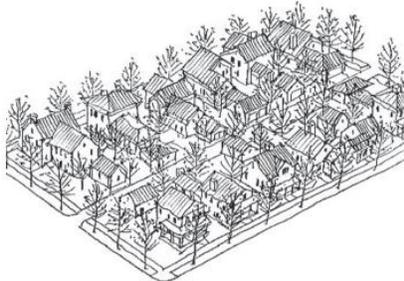
SF Single Family Residential

Detached 1-2.5 story residential structures each intended for one family. Densities range from six to twelve units per acre.



TF Two Family Residential

Detached structures that each contain two separate residential dwellings and townhouse dwelling types. May be built in a similar pattern as single-family structures and integrated in neighborhoods with other single-family structures and/or at the edge of single-family neighborhoods. Densities range from six to twenty units per acre.



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.



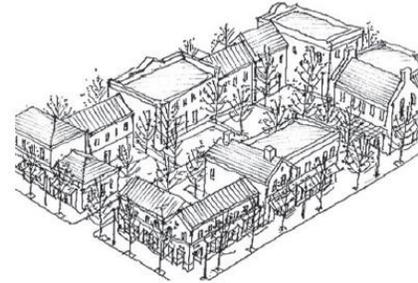
C Civic and Institutional

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.



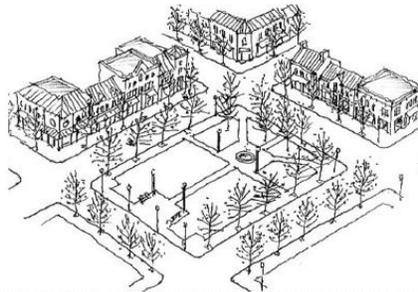
NX Neighborhood Center Mixed-Use

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.



OS Greenspace

Includes formal parks, recreation areas, trails, and natural open space.



OBJECTIVES AND STRATEGIES

Land Management

A. Goal

Efficient and attractive use of land resources that strengthens the quality, character, and upkeep of the built environment while balancing redevelopment and strategic expansion with open space preservation.

Objective 2. Promote strategic infill and redevelopment of underutilized or functionally obsolete areas.

LM 2.1 Identify and prioritize sites for infill and redevelopment.

LM 2.3 Develop incentives to encourage the consolidation of parcels for redevelopment.

LM 3.4 Require street or multi-use path connections between new residential neighborhoods and existing developed areas wherever practical.

LM 5.2 Permit higher density development in areas that are well-supported by existing or planned transportation infrastructure or transit services.

**OBJECTIVES
AND
STRATEGIES**

Neighborhoods and Housing

A. Goal

Attractive, well-maintained neighborhoods that offer a broad mix of desirable housing options and convenient access to services and amenities.

Objective 4. Promote the development of a broad range of housing types and prices.

NH 4.1 Provide incentives to developers to encourage development of alternative housing types (i.e. higher density, live-work, mixed-use) in designated growth areas.

Appendix A

Resource Documents

1. Areas for Future Study

The following table and accompanying map identify areas for future study throughout the City of Morgantown. These areas are places where the existing zoning does not align with the existing land uses or the existing pattern of development. It may also be an area where the existing zoning is not compatible with, or does not fully support the desired future of the area as indicated in the Comprehensive Plan's Land Management Map. These areas require further land use and development study by the Planning Commission to enable zoning map amendment and/or zoning text amendment recommendations to City Council that will advance the goals, objectives, strategies, and consistency principles of this Comprehensive Plan Update.

7	O-I	University Avenue, Sixth Street, Dille Street	<p>Current office and institutional zoning does not reflect existing uses, existing development pattern, or future potential.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none">• Consider zoning reclassifications that allow for higher residential density patterns.• Provide incentives to assemble and consolidate realty.• Discourage continued added density of converted single-family dwellings.• Establish appropriate design standards• Improve infrastructure supporting higher densities including sidewalks, pedestrian crossings, streetscape enhancements; public open space; increased supply of on-site parking;• Consider the expansion of Sunnyside Overlay Districts.
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STAFF REPORT ADDENDUM C

CU15-02 & V15-10 / Stan Corp / Evans Street

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

Case No. CU15-02 Multi-Family Dwelling use in OI District

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

~~By granting this request will improve Evans Street. Evans Street is a narrow street and the street will be made wider for fire protection and traffic. Significant improvements to Evans Street will be required and completed to support the proposed development including roadway widening and the softening of roadway geometry and grades. The subject site is less than 300 feet of walking distance from the University Avenue corridor, which is well served by public transit and is within walking and biking distance of the Evansdale and Downtown campuses. Convenient linkages to alternate modes of transport reduces auto dependency by the proposed development's residents and serves to mitigate increased traffic congestion created by commuting traffic from higher density residential development outside the City of Morgantown.~~

By granting this request will improve Evans Street. Evans Street is a narrow street and the street will be made wider for fire protection and traffic. Significant improvements to Evans Street will be required and completed to support the proposed development including roadway widening and the softening of roadway geometry and grades. The subject site is less than 300 feet of walking distance from the University Avenue corridor, which is well served by public transit and is within walking and biking distance of the Evansdale and Downtown campuses. Convenient linkages to alternate modes of transport reduces auto dependency by the proposed development's residents and serves to mitigate increased traffic congestion created by commuting traffic from higher density residential development outside the City of Morgantown.

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

~~Fire coverage for the area will improve with making the street wider for fire trucks. Installing new main water line and adding a fire hydrant. Make access onto Evans Street from University better for Fire trucks. Sidewalk will also be placed in front of building along Evans Street. Requisite roadway improvements will serve to improve access to the subject site and the immediate area by emergency responders. Requisite waterline and fire hydrant improvements will improve utility service capacity within the immediate area. The building will be required to meet all applicable life and safety standards within the Fire and Building Codes.~~

Fire coverage for the area will improve with making the street wider for fire trucks. Installing new main water line and adding a fire hydrant. Make access onto Evans Street from University better for Fire trucks. Sidewalk will also be placed in front of building along Evans Street. Requisite roadway improvements will serve to improve access to the subject site and the immediate area by emergency responders. Requisite waterline and fire hydrant improvements will improve utility service capacity within the immediate area. The building will be required to meet all applicable life and safety standards within the Fire and Building Codes.

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

~~The building will not disturb any air or light, as there isn't any structures that sits on lower sides. The rear of building adjoining end is a parking lot, and on lower side is a vacant lot. Across the street is another apartment building that faces Dilly Street, and it sits higher than what we propose to build. The proposed development appears to follow the residential density, massing, and scale of other multi-family developments within the immediate area.~~

The building will not disturb any air or light, as there isn't any structures that sits on lower sides. The rear of building adjoining end is a parking lot, and on lower side is a vacant lot. Across the street is another apartment building that faces Dilly Street, and it sits higher than what we propose to build. The proposed development appears to follow the residential density, massing, and scale of other multi-family developments within the immediate area.

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

~~The property will not be overcrowded as there is ample off street parking. The area where the building will be is not heavy populated, with just a couple nearby rental houses on Evans Street. The proposed development conforms to maximum building height standards and is approximately 55% of the by-right maximum lot coverage. A bufferyard on the west side of the proposed structure can and should be planned and improved as required.~~

The property will not be overcrowded as there is ample off street parking. The area where the building will be is not heavy populated, with just a couple nearby rental houses on Evans Street. The proposed development conforms to maximum building height standards and is approximately 55% of the by-right maximum lot coverage. A bufferyard on the west side of the proposed structure can and should be planned and improved as required.

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

~~With wider roads and improved intersections Evans Street will be more capable to handle any increase in traffic. The number of planned parking spaces exceeds minimum requirements. Requisite roadway improvements will serve to improve access to the subject site and the immediate area by emergency responders.~~

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:

~~By granting this request it will help water supply for Evans Street by the install of a new main water line. The apartments will be constructed within walking distance to main campus and the law school. The renters will not have any kids getting to school or parks. Significant improvements to Evans Street will be required and completed to support the proposed development including roadway widening and the softening of roadway geometry and grades. Capacity levels for water, sanitary sewer, and stormwater facilities are either adequate or will be upgraded as determined by the Morgantown Utility Board to serve the needs of the proposed development. Given overwhelming majority of university-aged residents within the immediate area, the proposed development is not anticipated to contribute to overcrowding of public schools.~~

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

~~That the property will have enough off street parking. The structure will be replacing three single family house that is not up to standard living conditions and will make the neighborhood look a lot more presentable. The proposed development will remove three (3) single-family houses that are not permitted in the OI District, which is in concurrence with the Comprehensive Plan's principal of, "Infill development and redevelopment of underutilized and/or deteriorating sites takes priority over development in green field locations at the city's edge." The development site is nearly surrounded by multi-family developments of varying scales. The development of multi-family housing on the subject site should serve to increase the market value of neighboring buildings and properties as is customary to new construction.~~

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

~~In that the property is not in the main congested area of town. Walking distance to main campus and law college. Plenty of room without overbuilding the site. The development site is within a neighborhood that has experienced a significant transition from single-family dwellings to multi-family dwellings primarily for college-aged student housing over the past several decades and is linked to the multi-modal University Avenue corridor connecting the Evansdale and Downtown campuses. The subject site is nearly surrounded by multi-family developments of varying scales and ages. The proposed development appears to follow the residential density, massing, and scale of other multi-family developments within the immediate area.~~

Case No. V15-10 Setback Encroachments

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

~~The variance in which they are asking for will not affect the adjacent property owners. The building in which they are proposing to build will not have any outside walkways or balconys, so noise will not be a problem.~~ The proposed development appears to follow the residential density, massing, scale, and setbacks of other multi-family developments within the immediate area, which do not appear to adversely impact public welfare or harm public improvements or private property within the immediate area. Additionally, the Board's condition to plan and improve the requisite ten (10) foot wide bufferyard on the west side of the proposed structure ensures desired transitional yards between single- and two-family uses and multi-family developments.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

~~In order to meet the Fire Code, Stan Corp needs the variance to allow enough area for fire truck ingress and egress. The development site consists of several parcels that have been assembled creating an unusual outer boundary configuration that is peculiar to the site. The depth of the development site varies between 110 feet to 210 feet. Additionally, the site has an elevation change of approximately 56 feet.~~

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

~~Without the proposed variance of the setback requirements, there is not sufficient lot size remaining to allow adequate ingress and egress of the fire equipment, needed for safety and allowing for the most reasonable permitted use of the land.~~ An encroachment into the front setback permits safe and efficient vehicular and emergency access to the rear of the proposed building. Although Article 1343.07(F) provides that residential construction in the OI District must following the building height and performance standards of the R-3 District, setback requirements remain OI District standards, which reduces the buildable width of the site by 60 feet (30-foot setbacks on each side). The proposed development observes the side setback standard on the east side, but encroaches into the west side setback standard.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The proposed structure appears to best utilizes the land for a permitted use within the zoning ordinance and the Comprehensive Plan. This project, in its entirety, will should be of benefit to the surrounding neighborhood with the new water lines, improvement of the intersection from University Avenue onto Evans Street and widening of Evans Street to allow for better traffic flow and, ~~most specifically,~~ access of fire equipment needed for safety for the entire neighborhood surrounding properties.



PLANNING AND ZONING CODE CONFORMITY REPORT

Planning Division

Evans Street Apartments – Stan Corp

The following information identifies Planning and Zoning (P&Z) Code provisions related to the above referenced contemplated development. Plans reviewed herein are dated 30 DEC 2014 (Cheat Road Engineering) and 01 DEC 2014 (LAI Architecture Studio). The purpose of this review is to identify whether or not the subject development meets related P&Z requirements; whether additional information is required; or, whether variance(s) and/or conditional use approval(s) are necessary.

CONTEMPLATED DEVELOPMENT PROGRAM

- 49 one-bedroom multi-family dwelling units.
- The structure is five (5) levels with parking on the lowest level.
- 58 parking spaces are planned between the basement and surface spaces at the rear of the property, two (2) of which are van accessible.
- The developer’s design team has been working with the City Engineer, Fire Marshal, and MUB to identify, plan, and design requisite roadway and utility improvements, including the widening of Evans Street.

SUMMARY OF CONFORMITY OBSERVATIONS

OI, OFFICE AND INSTITUTIONAL DISTRICT

Planning and Zoning Code Reference	
Conformity (Y, N, TBD)	Planning and Zoning Code standard (either verbatim or paraphrased). Conformity review observations. Required approvals noted in bold highlighted (yellow) font .
1343.02 Permitted and Conditional Uses	
Y	“Multi-Family Dwelling” uses require conditional use approval.
1343.03 Lot Provisions	
Y	1343.03(A) Minimum lot size – 6,000 sq. ft.
Y	1343.03(B) Minimum lot frontage – 60 ft.
Y	1343.03(C) Minimum lot depth – 100 ft.
Y	1343.03(D) Maximum lot coverage – 60%. The area of the proposed building footprint appears to be approximately 11,813.5 sq. ft. The area of the development site, according to GIS data, appears to be approximately 35,963 sq. ft. The proposed lot coverage is approximately 32.8%.



PLANNING AND ZONING CODE CONFORMITY REPORT

Planning Division

1343.04 Setbacks and Encroachments			
	Provision	Requirement	Proposed (approx.)
N	1343.04(A)(1) Minimum Front	15 ft.	10 ft.
Y	1343.04(A)(2) Maximum Front	25 ft.	10 ft.
N	1343.04(A)(3) Minimum Side	30 ft.	West – 8 ft. East – 45 ft.
Y	1343.04(A)(4) Minimum Rear	40 ft.	45 ft.
N/A	1343.04(B) Accessory structure minimum setback provision.		

1343.05 Building Height and Use – Superseded by Article 1343.07(F)			
	Provision	Requirement	Proposed
Y	1339.06(A) Maximum Height of principal structure	Four (4) stories or 55 ft., whichever is less	Four (4) stories 51 ft.
N/A	1339.06(B) Maximum Height of an accessory structure	18 ft.	N/A
Y	1339.06(C) Minimum building height for a two-family or multi-family dwelling.	Two (2) stories	Four (4) stories

1343.06 Parking, Loading and Internal Roadways (ref Article 1365)			
Y	1343.06(A)	No parking spaces shall be permitted between the front façade of a building and any street right-of-way.	
Y	1365.03(A)	Off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Code, and may be situated as one or more individual areas.	
Y	1365.04(J)	Off-street parking shall be provided in accordance with Table 1365.04.01, Minimum Off-Street Parking Requirements. <i>The minimum parking requirement for “Multi-Family Dwelling” uses is one (1) space per one-bedroom dwelling unit. There are 49 one-bedroom dwelling units and 58 proposed parking spaces. NOTE: Two (2) parking spaces must be eliminated to comply with the 115% maximum parking requirement in non-residential districts [see Article 1365.04(J)]. Staff will require parking space labeled No. 49 to be eliminated to ensure safe and efficient access to the dumpster enclosure. Staff will require parking space labeled No. 22 to be eliminated to ensure safe and efficient pedestrian access to the elevator and stairs.</i>	
TBD	1365.06	Parking spaces accessible to the disabled. <i>Table 1365.06.01 provides that at least three (3) accessible parking spaces must be provided for developments that include between 51 and 75 parking spaces AND as least</i>	



PLANNING AND ZONING CODE CONFORMITY REPORT

Planning Division

	<p><i>one (1) of these three (3) spaces must be designed as a universal or van accessible space. The site plan illustrates two (2) van accessible spaces. At least one (1) additional accessible parking space must be provided. Staff suggests providing a standard accessible space inside the garage area and located near the elevator access point so that the five-foot cross-hatched portion of the standard accessible space provides a pedestrian way for all users of all the garage parking spaces.</i></p>
Y	<p>1365.09(A)(1) Each required off-street standard parking space shall be at least eight and one half (8.5) feet in width and at least eighteen (18) feet in depth, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance.</p>
N/A	<p>1365.09(A)(2) Up to ten (10) percent of the total number of required parking spaces may be designed for compact cars; provided, compact spaces are limited to employees or residents only and the property owner/manager assigns and enforces such spaces accordingly. Compact spaces shall be grouped together and identified as “compact cars only” with pavement stenciling and/or signage. Compact spaces should be located furthest from building entrances to discourage use by noncompact vehicles. Each compact space shall be at least eight (8) feet in width and at least fifteen (15) feet in depth, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance.</p> <p><i>No compact spaces are included in the site plan.</i></p>
TBD	<p>1365.09(A)(3) Except on lots occupied by one and two-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with Table 1365.09.01, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times. This requirement may be waived by the Planning Director where such waiver will not cause a hazard.</p> <p><i>AutoTURN modeling submitted with the plans reviewed herein for the appropriate fire apparatus will be reviewed by the City Engineer and City Fire Marshal during building permit application.</i></p>
Y	<p>1365.09(A)(4) All required parking spaces and aisles shall be provided wholly within the property lines and shall not extend into any public right-of-way.</p>
Y	<p>1365.09(B)(1) All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or an alley in a manner which will least interfere with traffic movement.</p>
TBD	<p>1365.09(B)(2) Driveway entrances or exits shall be no closer than 15 feet to an adjoining residential property line or 5 feet to an adjoining nonresidential property line or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of-way line of the street shall exceed a width of 22 feet, unless a greater width is specifically approved by the City Engineer. No driveway shall be located closer than 30 feet of the nearest point of the intersection of two streets.</p> <p><i>The east side of the driveway entrance radius must be modified so that it is not closer</i></p>



PLANNING AND ZONING CODE CONFORMITY REPORT

Planning Division

	<i>than five (5) from the adjoining nonresidential property line.</i>
N/A	1365.09(B)(3) Connections between parking lots or reservations of land for future such connections may be required at the discretion of the Planning Director.
Y	1365.09(B)(4) Required off-street parking spaces shall be so designed, arranged and regulated so that: (a) Such parking areas are lined or designated to insure the most efficient use of the parking spaces, (b) Individual spaces on lots with 5 percent average slope or greater are provided with anchored bumper guards or wheel guards. Under no circumstances shall parking spaces be provided on lots in excess of 10 percent slope, (c) Parking spaces are unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway, unless otherwise permitted at the direction of the Planning Director, (d) With the exception of drive-through windows and related stacking lanes, all parking spaces and maneuvering aisles shall be physically separated from any wall of a building by a vertical curb, maintained planting strip, and/or other suitable barrier.
Y	1365.09(B)(5) Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.
TBD	1365.09(B)(6) All parking lots abutting residential uses or districts, and all parking lots in any district containing more than four (4) spaces shall be subject to the landscaping and screening requirements for such parking lots as set forth in Article 1367, Landscaping and Screening. <i>See comments under Article 1367 below.</i>
Y	1365.09(B)(7) Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare, unshaded bulbs be used for such illumination.
Y	1365.09(C)(1) All open off-street parking areas shall be surfaced with an all-weather, dust-free concrete or asphalt material, and shall be maintained in good condition and free of weeds, dirt, trash and debris; except that, a gravel surface may be used for a period not exceeding six months after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.
N/A	1365.09(C)(2) A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.



PLANNING AND ZONING CODE CONFORMITY REPORT

Planning Division

TBD	<p>1365.09(C)(3) Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks. Further, any run-off generated by such improved areas shall be disposed of in accordance with the stormwater management ordinance and other City regulations.</p> <p><i>Stormwater management facilities will be reviewed and approved by MUB during building permit application.</i></p>
N/A	<p>1365.09(C)(4) Other surface materials and designs may be utilized when specifically approved by the City Engineer, for purposes of reducing storm water runoff or other environmental and aesthetic considerations.</p>
N/A	<p>1365.10 Loading Requirements.</p> <p><i>Loading is not required for uses which do not receive or transmit goods or wares by truck delivery.</i></p>

1343.07 Performance Standards – Superseded by Article 1343.07(F)	
Y	<p>1343.07(F) Residential construction within this district [OI District] shall follow the height and performance standards listed in Section 1339.06 and 1339.07.</p>
Y	<p>1339.07(A) All residential construction shall substantially conform in street orientation and massing to adjacent structures.</p>
N/A	<p>1339.07(B) Civic buildings such as private schools, churches should be built so that they terminate street vistas whenever possible, and should be of sufficient design to create visual anchors for the community.</p>
Y	<p>1339.07(C) Materials:</p> <p>1339.07(C)(1) Residential buildings shall be clad in wood siding, vinyl siding, composite siding (cement board), stone, or brick.</p> <p>1339.07(C)(2) Garden walls shall not be made from cinderblocks unless of the ornamental variety designed for use in landscaping projects.</p> <p>1339.07(C)(3) Principal building roofs should have a pitch that substantially conforms to the roof pitches of adjacent homes.</p>
N/A	<p>1339.07(D) Two-family dwellings shall have substantial front porches oriented toward the primary street frontage. The total width of a front porch should not be less than fifty (50) percent of the width of the front façade. Covered but unenclosed front porches shall not count toward the permitted maximum lot coverage.</p>
N/A	<p>1339.07(E) Garages, if attached to a single family home or two-family dwelling, shall be recessed a minimum of seven (7) feet from the primary building line of the front façade, unless located directly underneath the first floor of the house. If detached, they shall not be located in the front half of a lot.</p>



PLANNING AND ZONING CODE CONFORMITY REPORT

Planning Division

Y	<p>1339.07(F) Sidewalks shall be constructed along the frontage of a lot upon which a use is to be constructed. New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street.</p> <p><i>There is an asphalt pedestrian way along the Evans Street side of 2649 University Avenue between the yellow line marking the edge of the roadway and four (4) landscape planters. The width of this pedestrian way appears to be approximately five (5) feet.</i></p>
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ARTICLE 1367 LANDSCAPING AND SCREENING

	1367.06 General Landscaping Requirements.
TBD	<p>(C) Trees shall be planted to maintain a minimum of ten (10) to fifteen (15) feet clearance between the tree trunk and structures, building overhangs, walls, fences, and other trees.</p> <p><i>It appears that the "Pin Oak" trees illustrated along Evans Street and along the east side yard will not meet minimum clearance requirements, which requires variance relief.</i></p>
TBD	<p>(D) Plantings should be arranged to promote energy conservation wherever practicable; e.g. use of tall deciduous trees on the south and west sides of buildings to provide shade from the summer sun and planting evergreens on the north of buildings to dissipate the effect of winter winds.</p> <p><i>The term "should" is a desired design element but not required.</i></p>
TBD	<p>(E) All trash dumpsters, trash pads, loading areas consisting of two or more loading spaces, loading docks, building service and outside storage areas shall be screened from land in a residential zone and must be screened if visible from a public street. Such screening may be achieved by using a minimum six feet high, completely opaque fence or wall, a six feet high berm, or a six foot high evergreen screen. Height of screen shall be measured from the grade of the nearest street.</p> <p><i>Dumpster enclosure is illustrated on the site plan; however, additional information concerning design details is required to determine conformity.</i></p>
Y	<p>(F) Grass and other vegetative ground cover shall be used for all open space, including parking lot islands, except for: (1) Decorative mulch planting beds containing tree and/or shrubs; (2) Inert stabilization in areas subject to severe runoff, erosion, or ponding.</p> <p><i>No observation.</i></p>
Y	<p>(G) Where stone or other inert materials are to be used for ground cover, they shall be specifically identified on the landscape plan. Any area not so designated shall be required to have grass or vegetative ground cover.</p> <p><i>Stone or inert materials are not illustrated on the Landscape Plan reviewed herein.</i></p>



PLANNING AND ZONING CODE CONFORMITY REPORT

Planning Division

TBD	(H) All landscaping shall conform to the regulations established for visibility triangles to maintain safe sight distances and intersections and points of access.
	<i>Consultation with the City Engineer is required to carefully plan the area of the driveway entrance and proposed edges of the improved Evans Street right-of-way, the sidewalk, utilities, landscaping materials, etc. Two (2) or more of these trees may need to be eliminated to ensure site vision exiting the Evans Street driveway entrance is not obstructed.</i>
N/A	(I) All landscaped areas at the front line of off-street parking spaces shall be protected from encroachment or intrusion of vehicles.
	<i>No observation.</i>
TBD	(J) In no case may a tree or shrub be planted within a drainage, sewer, or utility easement.
	<i>Utility easements do not appear to be illustrated on the Landscape Plan reviewed herein.</i>
N	1367.07 Bufferyard Landscaping Requirements. New non-residential buildings that abut a residential property (zoned or used) or new multi-family residential buildings that abut a single or two-family residential property (zoned or used) shall provide a landscape buffer ten (10) feet wide planted with five (5) medium to large trees and ten (10) to fifteen (15) shrubs per 100 linear feet of transitional yard between the new non-residential and residential uses or new multi-family and single or two-family uses. This requirement may supersede the minimum setback requirement for the district.
	<i>The adjoining property to the west (Parcel 91, Tax Map 15 / 368 Evans Street) is an occupied single-family dwelling. As such, at least a ten-foot wide landscape buffer must be planned and landscaped as noted above. The proposed west side setback is eight (8) feet, which requires variance relief. Additionally, the Landscape Plan must be modified to include requisite bufferyard landscaping materials.</i>
	1367.08 Parking Lot Landscaping Requirements.
TBD	1367.08(B)(1) Development with No Parking Between Building Line and Street. A four (4) foot perimeter buffer shall be provided, along the sides and rear yard of the property, that contains at least one two inch (2") caliper tree every twenty (20) feet and at least three (3) shrubs of at least three (3) gallons in size clustered between each two (2) trees.
	<i>The parking area that is furthest to the rear (generally on Parcel 93) must be shifted two (2) feet toward the west to ensure a minimum four-foot side and rear perimeter buffer is provided. Additionally, the Landscape Plan must be modified to include requisite bufferyard landscaping materials.</i>
N/A	1367.08(B)(2) Development with No Parking Between Building Line and Street. If the proposed parking lot contains twenty (20) stalls or more, an additional five (5) percent of the parking lot area shall be reserved for interior landscaping. Planting beds running adjacent to and parallel with the building, perimeter landscaping and buffer requirements shall not count towards this requirement.
	<i>There are 20 surface parking stalls illustrated behind the building. However, Staff will</i>



PLANNING AND ZONING CODE CONFORMITY REPORT

Planning Division

	<i>require parking space labeled No. 49 to be eliminated to ensure safe and efficient access to the dumpster enclosure leaving 19 parking stalls.</i>
N/A	1367.08(C) Development with Parking Between Building Line and Street.
Y	1367.08(D)(2) All rows of parking spaces, when a lot contains 20 or more parking stalls, shall provide a terminal island with concrete curbs and at least 130 square feet of area to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. These islands may count toward fulfilling the 5 percent internal landscaping requirement. <i>There are 20 surface parking stalls illustrated behind the building. However, Staff will require parking space labeled No. 49 to be eliminated to ensure safe and efficient access to the dumpster enclosure leaving 19 parking stalls. Staff will also require the terminal island adjoining parking space labeled No. 48 to remain to help channel the drive aisle.</i>
Y	1367.08(D)(3) Landscaped islands with concrete curbs and at least 130 square feet of area shall be provided every ten spaces or less within a row of spaces for multi-family residential sites... Planting islands should be evenly spaced throughout the parking lot to consistently shade paved areas. Islands shall be utilized where needed to control vehicular circulation and define major drives. These islands may count toward fulfilling the 5 percent internal landscaping requirement. To prevent cars from parking too close to trees or damaging shrubs, an extended curb or wheel stop must be provided. Planting islands parallel to parking spaces must be a minimum of five feet wide to allow car doors to swing open. <i>One (1) landscape island is provided in the row of parking along the rear of the building as required.</i>

ARTICLE 1369 SIGNS

TBD	A preliminary signage plan was included in plans reviewed herein and illustrated on the rear (south) elevation as a wall sign. Conformity with related signage regulations will be reviewed and determined at the time of building permit application.
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ARTICLE 1371 LIGHTING

Y	The Lighting Plan reviewed herein included light standard details and photometric plans and appear to meet related Article 1371 and 1365.09(B)(7) provision.
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Prepared by: *Christopher M. Fletcher* 05 FEB 2015
 Christopher M. Fletcher, AICP, Director of Development Services
 304-284-7431 ♦ cfletcher@cityofmorgantown.org



OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
COMPLETE:	_____

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT

Name:	STAN CORP		Phone:	301-895-8064
Mailing Address:	Street	160 MINER Hickory Road		
	City	State	Zip	Email:
	Garrettsville	MD	21536	STANCZYK16@Gmail.com

II. AGENT / CONTACT INFORMATION

Name:	DAVID ROBERTSON		Phone:	301-895-8064
Mailing Address:	Street	160 MINER Hickory Road		
	City	State	Zip	Email:
	Garrettsville	MD	21536	STANCZYK16@Gmail.com

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

III. PROPERTY

Owner:	FIRST UNITED BANK & TRUST - FIRST CREO TRUST		Phone:	301-533-2874
Mailing Address:	Street	JULIE PETERSON - FIRST UNITED BANK & TRUST		
	City	State	Zip	Email:
	Oakland	MD	21550	JPETERSON@mybank4.com

IV. SITE

Street Address (if assigned):	370-374-378 EVANS ST	Tax Map #:	15	Parcel #:	86-87-85-89 90-921-93	
Zoning:	OI					
Lot Dimensions:	Width:	210 Ft.	Depth:	191 Ft.	Square Footage:	35,500 ft. ²
Shape of Lot:	<input type="checkbox"/> Corner <input type="checkbox"/> Interior <input type="checkbox"/> Through <input type="checkbox"/> Flag <input checked="" type="checkbox"/> Irregular <input type="checkbox"/> Non-conforming					
Existing Use of Structure or Land:	Single Family Homes THAT WAS RENTAL UNITS. Homes now sit vacant					
Proposed Use of Structure of Land:	MULTI-FAMILY					



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE
CASE NO.
RECEIVED:
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V. STRUCTURE

Proposed Setbacks: Front: 10 ft. Rear: 39'8" ft. Side A: 8 ft. Side B: 41 ft.

Proposed Height of Structure: 49 ft. No. of Proposed Off-Street Parking Spaces: 58

No. of Dwelling Units (if applicable): 49 No. of Bedrooms: 49 No. of Employees: 1

Square Footage of all Proposed Structures (please explain):

52,975 sq ft with garage parking - 42,380 sq ft without garages

Parking garage with 4 stories constructed on top of it.

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. _____

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

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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:

By GRANTING this Request will improve EVANS ST. EVANS ST is a narrow ST and the street will be made wider for fire protection and traffic.

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

- ① Fine coverage for the area will improve with making the street wider for fire trucks.*
- ② installing new main water line and adding a fire hydrant.*
- ③ make access onto EVANS ST from university better for fire trucks.*
- ④ sidewalk will also be placed in front of building along EVANS ST.*

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

The building will not disturb any air or light, as there isn't any structures that sits on lower sides. The rear of building of adjacent land is a parking lot, and on lower side is a vacant lot. Across the street is another apartment building that faces Dilly ST, and it sits higher than what we propose to build.

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

The property will not be over crowded as there is ample off street parking. The area where the building will be is not heavily populated, with just a couple nearby rental houses on EVANS ST.

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

With wider roads and improved INTERSECTIONS EVANS ST will be more capable to handle any increased in traffic.



APPLICATION FOR TYPE IV SITE PLAN - CONDITIONAL USE

OFFICE USE	
CASE NO.	_____
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:

By Granting this request it will help water supply for Evans St. By the install of a new main water line. The apartments will be constructed within walking distance to main campus and the Law School. The renters will not have any kids going to school or parks.

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

That the property will have enough off street parking. The structure will be replacing three single family house that is not up to standard living conditions and will make the neighborhood look alot more presentable.

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

In that the property is not in the main congested area of town. Walking distance to main campus and Law college. Plenty of room without overbuilding the site.

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.

SITAN CORP

DAVID ROBERTSON

David Roberts

12/29/14

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

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



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	STAN CORP			
Mailing Address:	Street	STAN CORP			Phone:	301-895-8064
	160 Miner Hickory Road				Mobile:	814-442-0846
	City	State	Zip		Email:	STANWZYK16@gmail.com
II. PROPERTY		Street Address:	370-374-378 EVANS ST			
Owner:	FIRST UNITED BANK + TRUST - FIRST CREO TRUST			Zoning:	OI	
Mailing Address:	Street	JULIE PETERSON			Tax Map No:	15
	2892 GARRETT HWY SUITE 5				Parcel No:	92.1-93 86-87-88-89-90
	City	State	Zip		Phone:	301-533-2874
III. NARRATIVE		Please describe the nature and extent of your variance request(s).				
<p>ASKING FOR VARIANCE OF SET BACK FOR THE FOLLOWING: SIDE A BESIDE SINGLE HOME OF 10' BE ACCEPTED OF 8 FT LOWER SIDE OF PARKING LOT OF 3'3" BECAUSE OF SAFETY AS WEED ROW FOR FIRE TRUCK TURN AROUND.</p>						
V. ATTEST						
<p>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. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. 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. I hereby authorize the Development Services Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>						
STAN CORP DAVID ROBERTSON		David Robertson			12/29/14	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent			Date	

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



APPLICATION FOR VARIANCE PETITION

OFFICE USE table with fields for CASE NO. and RECEIVED:

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

Land Use Characteristics (complete only those that apply)

- Residential, Single-Family Dwelling, Townhouse Dwelling, Two-Family Dwelling, Multi-Family Dwelling (checked), Non-Residential or Mixed (please explain)

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 10,595 sf
Estimated number of employees: 1 No. of dwelling units: 49 No. of bedrooms: 49
Additional structure-related details: Buildings will have elevators installed cement board siding with stone.

Additional Information (as required by Staff):

Site Plan. A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
Standard yard setbacks for the applicable zoning district
Location, grade, and dimensions of paved surfaces, and all abutting streets
Existing and proposed contours, at an interval of at least two (2) feet
Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	
RECEIVED:	

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

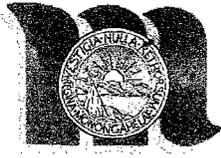
The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The VARIANCE IN WHICH THEY ARE ASKING FOR WILL NOT AFFECT THE ADJACENT PROPERTY OWNERS. THE BUILDING IN WHICH THEY ARE PROPOSING TO BUILD WILL NOT HAVE ANY OUTSIDE WALKWAYS OR BALCONYS, SO THIS WILL NOT BE A PROBLEM.

2. The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

IN ORDER TO MEET FIRE CODE STAY CAMP NEEDS THE VARIANCE TO ALLOW ENOUGH AREA FOR FIRE TRUCK INGRESS AND EGRESS.



City of Morgantown, West Virginia

APPLICATION FOR
VARIANCE PETITION

OFFICE USE	
CASE NO.	
RECEIVED:	

VII. FINDINGS OF FACT

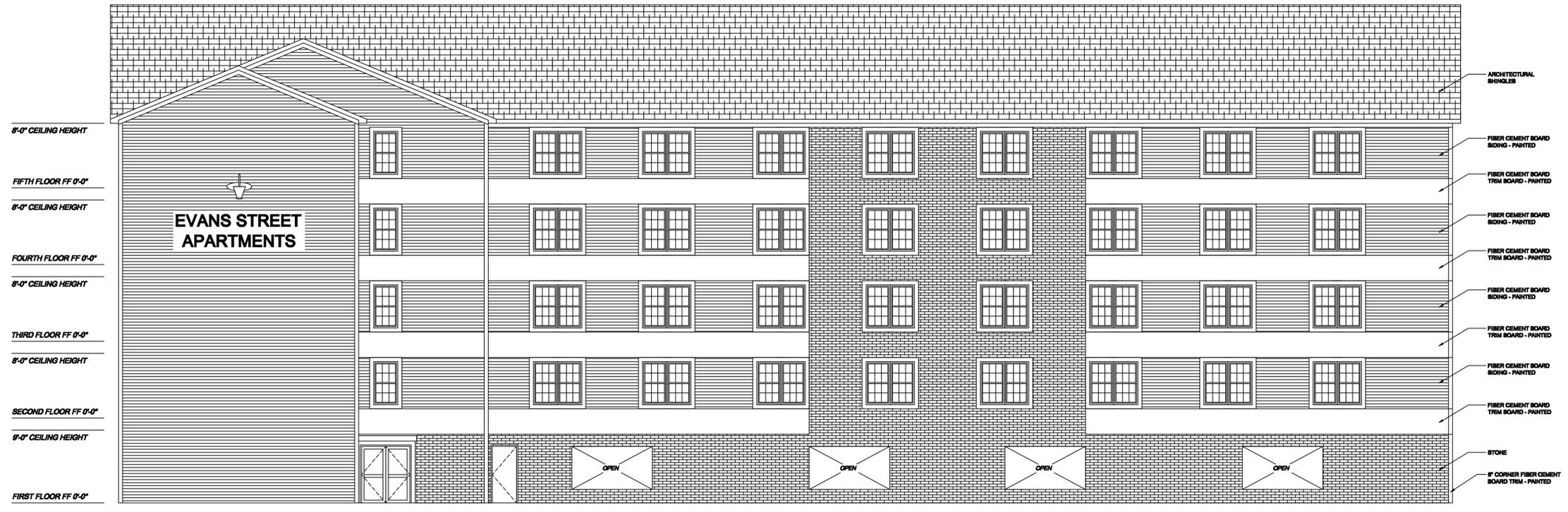
COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Without the proposed variance of the set back requirements, there is not sufficient lot size remaining to allow adequate ingress and egress of the fire equipment, needed for safety and allowing for the most reasonable permitted use of the land.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The proposed structure best utilizes the land for a permitted use within the zoning ordinance. This project, in its entirety, will be of benefit to the surrounding neighborhood with the new water lines, improvement of the intersection from university onto EVANS and widening of EVANS to allow for better traffic flow and, most specifically, access of fire equipment need for safety for the entire neighborhood.



8'-0" CEILING HEIGHT
 FIFTH FLOOR FF 0'-0"
 8'-0" CEILING HEIGHT
 FOURTH FLOOR FF 0'-0"
 8'-0" CEILING HEIGHT
 THIRD FLOOR FF 0'-0"
 8'-0" CEILING HEIGHT
 SECOND FLOOR FF 0'-0"
 8'-0" CEILING HEIGHT
 FIRST FLOOR FF 0'-0"

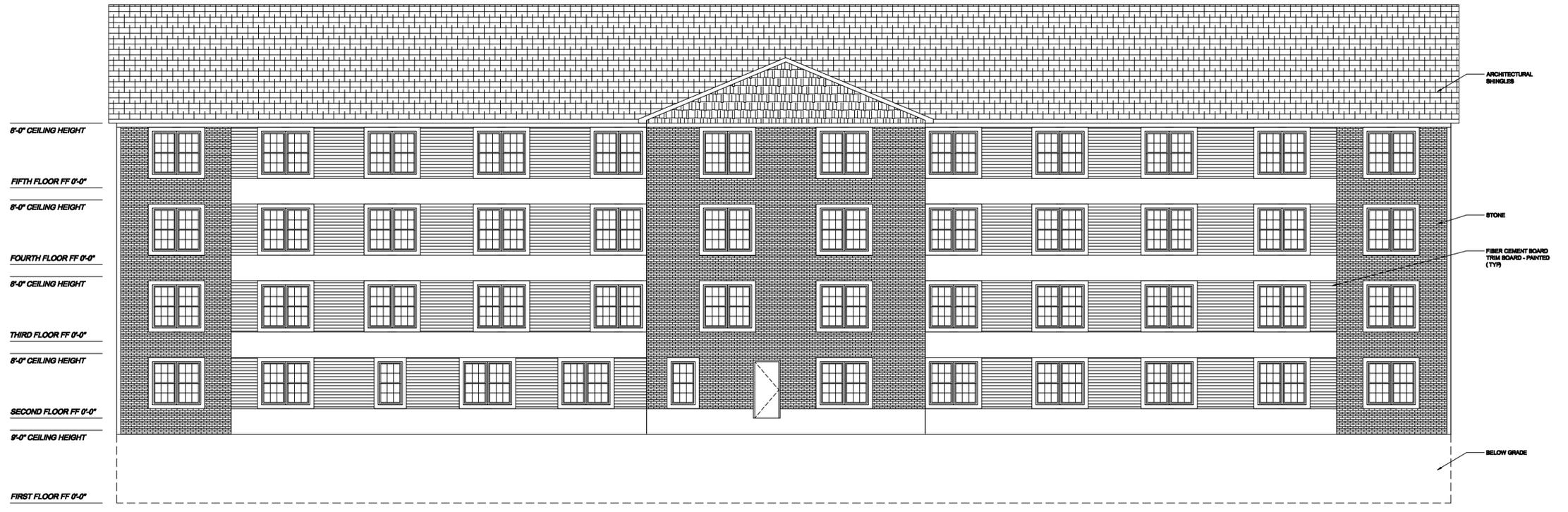
ARCHITECTURAL SHINGLES
 FIBER CEMENT BOARD SIDING - PAINTED
 FIBER CEMENT BOARD TRIM BOARD - PAINTED
 FIBER CEMENT BOARD SIDING - PAINTED
 FIBER CEMENT BOARD TRIM BOARD - PAINTED
 FIBER CEMENT BOARD SIDING - PAINTED
 FIBER CEMENT BOARD TRIM BOARD - PAINTED
 FIBER CEMENT BOARD SIDING - PAINTED
 FIBER CEMENT BOARD TRIM BOARD - PAINTED
 FIBER CEMENT BOARD SIDING - PAINTED
 FIBER CEMENT BOARD TRIM BOARD - PAINTED
 STONE
 6" CORNER FIBER CEMENT BOARD TRIM - PAINTED

E3 FRONT EXTERIOR ELEVATION
 1/8" = 1'-0"

Schematic Design
 Design Development
 Progress
 Bidding
 Building Permit
 - Construction Documents

Client Signature for Phase Completion

Revisions



8'-0" CEILING HEIGHT
 FIFTH FLOOR FF 0'-0"
 8'-0" CEILING HEIGHT
 FOURTH FLOOR FF 0'-0"
 8'-0" CEILING HEIGHT
 THIRD FLOOR FF 0'-0"
 8'-0" CEILING HEIGHT
 SECOND FLOOR FF 0'-0"
 8'-0" CEILING HEIGHT
 FIRST FLOOR FF 0'-0"

ARCHITECTURAL SHINGLES
 STONE
 FIBER CEMENT BOARD TRIM BOARD - PAINTED (1/2")
 BELOW GRADE

E6 REAR EXTERIOR ELEVATION
 1/8" = 1'-0"

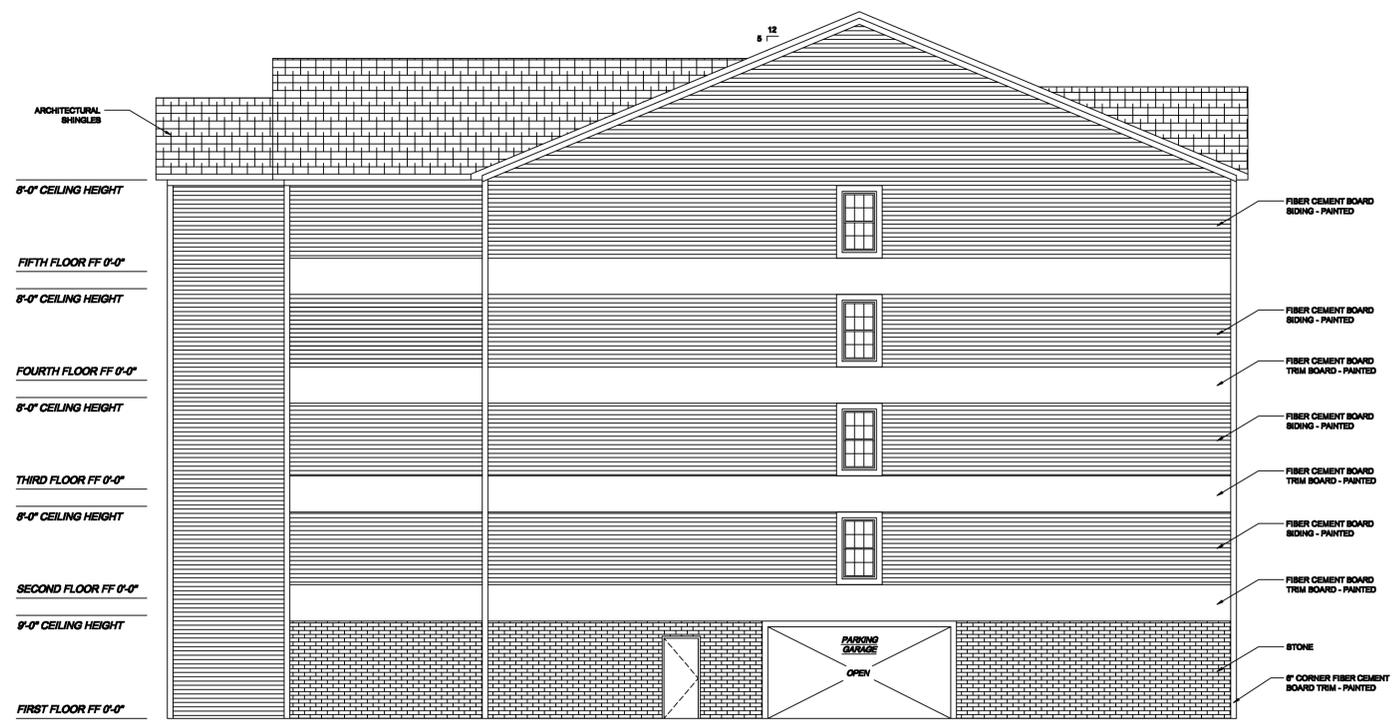
Evans Street Apts
 Project Address
 Evans Street
 Morgantown, WV

12.01.14
 14101
 New Apartment Complex

SCALE
 EXTERIOR ELEVATIONS



B9 LEFT SIDE ELEVATION
 1/8" = 1'-0"



H9 RIGHT SIDE ELEVATION
 1/8" = 1'-0"

- Schematic Design
- Design Development
- Progress
- Bidding
- Building Permit
- Construction Documents

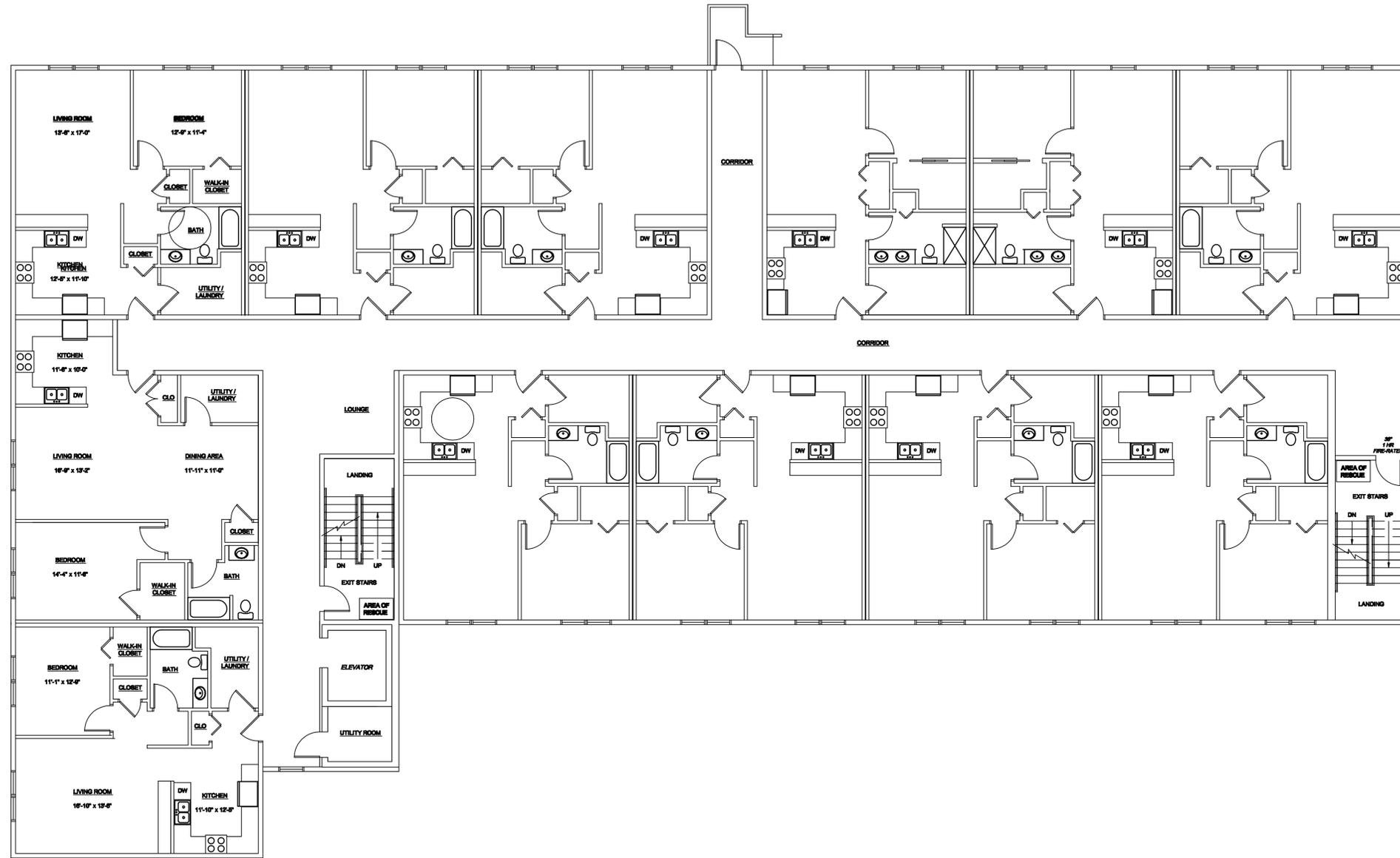
Client Signature for Phase Completion

Revisions

Evans Street Apts
 Project Address
 Evans Street
 Morgantown, WV

12.01.14
 14101
 New Apartment Complex

SCALE
 EXTERIOR ELEVATIONS



E9 SECOND FLOOR PLAN
 1/8" = 1'-0"

- Schematic Design
- Design Development
- Progress
- Bidding
- Building Permit
- Construction Documents

Client Signature for Phase Completion

Revisions

Evans Street Apts

Project Address
 Evans Street
 Morgantown, WV

12.01.14

14101

New Apartment Complex

SCALE: See Drawing

FIRST FLOOR PLAN