



MORGANTOWN BOARD OF ZONING APPEALS

September 21, 2016
6:30 PM
City Council Chambers

Board Members:

Bill Burton, Chair
George Papandreas,
Vice-Chair
Linda Herbst
Jim Shaffer
Collin Wattleworth

STAFF REPORT

CASE NO: CU16-08 / America's Choice / 1385 Greenbag Road

REQUEST and LOCATION:

Request by Chris Lewullen for conditional use approval of an "Automotive Sales" use located at 1385 Greenbag Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 31, Parcel 101.9; B-2, Service Business District

SURROUNDING ZONING:

B-2, Service Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to offer pre-owned vehicles for sale in addition to the existing "Automotive Repair" use at the subject site. Addendum A of this report illustrates the location of the subject site.

Table 1331.05.01 "Permitted Land Uses" provides that the development of "Automotive Sales" uses in the B-5 District requires conditional use approval by the Board of Zoning Appeals. It should be noted there are several "Automotive Sales" uses located in the Sabraton area.

STAFF RECOMMENDATION:

It is the duty of the Board of Zoning Appeals to 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. If the Board disagrees with the petitioner's "Findings of Fact" and determines the proposed request does not meet the standard criteria for a conditional use, then the Board must state findings of fact and conclusions of law on which it bases its decision(s) to deny the subject petitions. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined).

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

Attachments: Application and submitted exhibits.

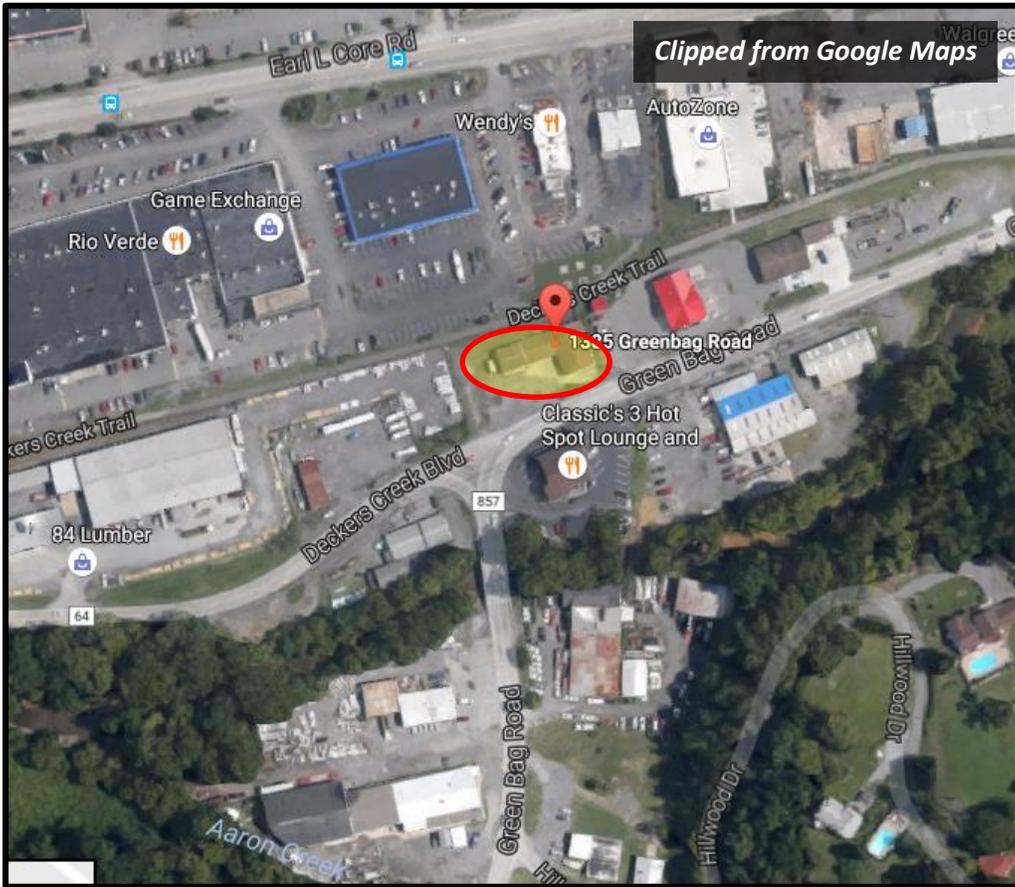
Development Services

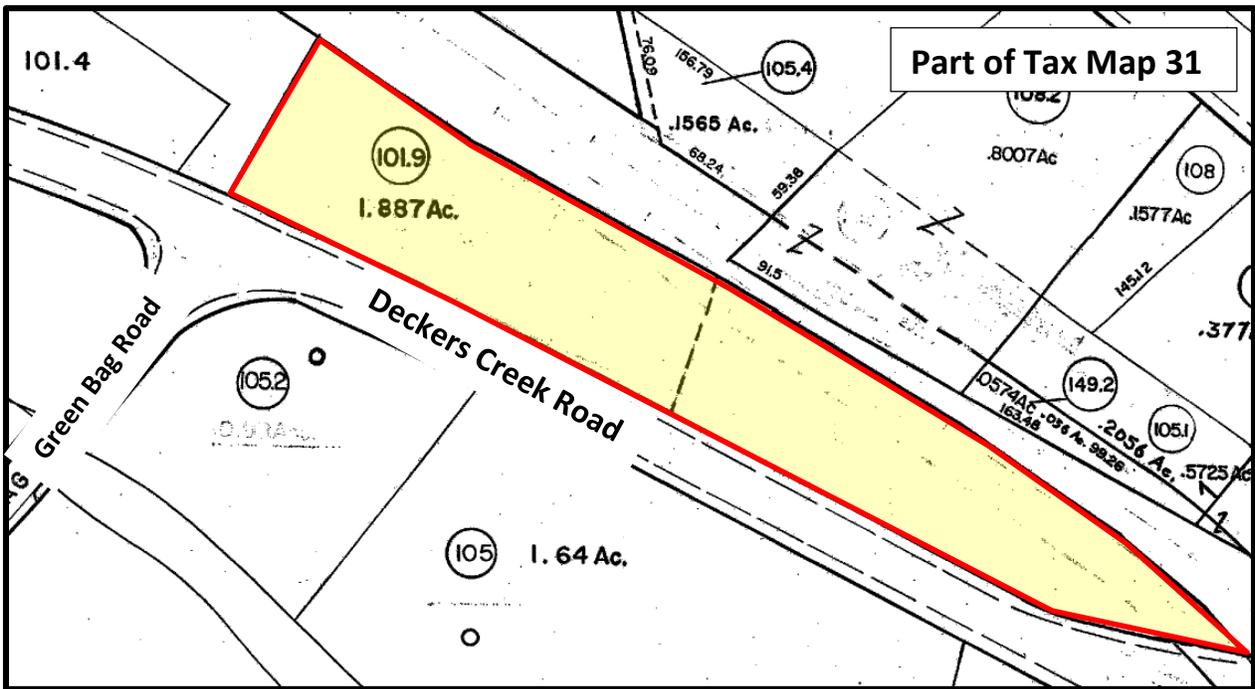
Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
CU16-08 / America's Choice / 1385 Greenbag Road





STAFF REPORT ADDENDUM B
CU16-08 / America's Choice / 1385 Greenbag Road

Staff recommends the following revisions to the petitioner's Findings of Fact responses (deleted matter struck through; new matter underlined).

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

~~Plenty of off-street parking with places to turn around and lots of road frontage to re-enter Greenbag Road.~~ Vehicles sales and automotive repair services are often aligned and are not anticipated to significantly increase trip generation to the subject site.

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

~~In compliance already with all City and state code.~~ The sale of vehicles at the subject site is not anticipated to result in deleterious conditions.

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

~~NIA, no additional structures.~~ The sale of vehicles at the subject site will not result in additions or modifications to the subject principal and/or accessory structures that would change existing sunlight distribution and air flow conditions within the immediate built environment.

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

~~NIA, no additional structures.~~ The sale of vehicles at the subject site will not result in additions or modifications to the subject principal and/or accessory structures.

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

~~Currently a business in a business zone.~~ A residential component is not proposed with the "Automotive Sales" use.

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

~~Will increase the opportunity of transportation. All others are NIA.~~ The sale of vehicles at the subject site is not anticipated to increase the demand for public goods, services, or utilities above that already serving the site and surrounding built environment.

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

~~We have restored the building inside and out over the past two months and will continue up keep with property as well as surrounding rail trail and picnic area.~~ The sale of vehicles at the subject site is not anticipated to adversely affect the value surrounding buildings.

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

~~Driving additional business in City limits while having multiple uses for single property and increasing City revenue through B & O taxes.~~ Vehicles sales and automotive repair services are often aligned and several similar establishments are located within the Sabraton area.



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	WV16-08
RECEIVED:	05 AUG 16
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

\$ 75.00 OK 1740

I. APPLICANT			
Name:	America's Choice	Phone:	304-241-5529
Mailing Address:	1385 Greenbug Rd	Mobile:	304-646-2061
	Street Morgantown	City	26505
	State	WV	Zip
II. AGENT / CONTACT INFORMATION			
Name:	Chris Lewallen	Phone:	BY:
Mailing Address:	87 Saylor Rd	Mobile:	304-646-2061
	Street Morgantown	City	26501
	State	WV	Zip
Email:	plm.crazyautos@gmail.com		
Mailings –	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	Glennark Holding LLC	Phone:	304-599-0111
Mailing Address:	6 Canyon Rd # 300	Mobile:	
	Street Morgantown	City	26508
	State	WV	Zip
Email:			
IV. SITE			
Street Address (if assigned):	1385 Greenbug Rd	Tax Map #:	31
Parcel #:	101.9		
Zoning:	B-2		
Lot Dimensions:	Width: 105 Ft.	Depth: 170 Ft.	Square Footage: Building & 3500 ft. ²
Shape of Lot:	<input type="checkbox"/> Corner <input checked="" 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:	New auto repair + tire shop		
Proposed Use of Structure of Land:	in addition to above use as a Pre-Owned Auto Dealership		

PAID AUG 05 2016



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	<u>C116-08</u>
RECEIVED:	<u>05 AUG 16</u>
COMPLETE:	_____

V. STRUCTURE

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

Proposed Height of Structure: _____ No. of Proposed Off-Street Parking Spaces: 10

No. of Dwelling Units (if applicable): N/A No. of Bedrooms: N/A No. of Employees: 4

Square Footage of all Proposed Structures (please explain):

No changes to current structure

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.



City of Morgantown, West Virginia

APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	C116-08
RECEIVED:	05 Aug 16
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. <u>C1116-08</u>
RECEIVED: <u>05 AUG 16</u>
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:

plenty of off street parking with places to turn around and lots of road frontage to re-enter greenbug rd.

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

In compliance already with all city and state code

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

N/A, no additional structures

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

N/A, no additional structures

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

Currently a business in a business zone



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

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VIII. FINDINGS OF FACT (cont.)

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

will increase the opportunity of transportation
all others are N/A

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

We have restored the building inside and out over the past two months and will continue upkeep with property as well as surrounding rail trail and picnic area

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

driving additional business in city limits while having multiple uses for single property and increasing city revenue through B+O taxes.

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.

Chris Leallen

8/5/15

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

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