



MORGANTOWN BOARD OF ZONING APPEALS

October 19, 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: CU16-12 / The Morgantown Armory, LLC / 1401 Earl Core Road

REQUEST and LOCATION:

Request by Lisa Mardis of Project Management Services, on behalf of the Morgantown Armory, LLC, for conditional use approval of an "Indoor Shooting Range" use located at 1401 Earl Core Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 31, Parcels 100 and 101.1; B-5, Shopping Center District

SURROUNDING ZONING:

North and East: B-5, Shopping Center District
South and West: B-2, Service Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to establish an "Indoor Shooting Range" use within existing tenant space of the *Sabraton Plaza* shopping center development. Addendum A of this report illustrates the location of the subject site.

Section 1329.02 provides the following definition for an "Indoor Shooting Range" use.

SHOOTING RANGE, INDOOR – The use of a structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

Table 1331.05.01 "Permitted Land Uses" provides that "Indoor Shooting Range" uses are permitted in the B-5 District with conditional use approval by the Board. There are no supplemental regulations pertaining to "Indoor Shooting Range" uses.

The proposed "Shooting Range, Indoor" use will be occurring in Sabraton Plaza, a shopping center located on Earl Core Road. A review of the existing development, shows that the total gross leasing area of the shopping center is 93,731 square feet in area, per the applicant.

According to the applicant, the *Sabraton Plaza* development, considered a "Large Scale Shopping Center" use, includes approximately 93,731 square feet and 420 existing parking stalls. The minimum parking requirement for the subject "Large Scale Shopping Center" use is 329 parking stalls. The proposed "Shooting Range, Indoor" use is not anticipated to exacerbate existing on-site parking given the nearly 100 spaces that exist above the minimum requirement.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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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 restates the petitioner's findings fact responses, which Staff recommends the Board carefully review.

Staff recommends approval of the conditional use as requested with the following conditions:

1. That the petitioner must maintain compliance with all applicable Monongalia County Health Department, state, and/or federal regulations pertaining to the use of firearms for the purposes of the proposed indoor shooting range.
2. That the beneficiary of this conditional use approval is specific to The Morgantown Armory, LLC as the owner of the establishment at the time of this conditional use approval. Said beneficiary may not be transferred without prior approval of the Board of Zoning Appeals.

Attachments: Application and submitted exhibits.

Development Services

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Director

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STAFF REPORT ADDENDUM A

CU16-12 / The Morgantown Armory, LLC / 1401 Earl Core Road



STAFF REPORT ADDENDUM B

CU16-12 / The Morgantown Armory, LLC / 1401 Earl Core Road

The following restates the petitioner's responses to the conditional use Findings of Fact.

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

The subject site is located in the Sabraton Plaza, which contains 93,731 square feet of gross leasable area that encompasses seven buildings, and approximately 420 standard parking spaces, including and/or in addition to fifteen (15) accessible spaces. There will only be a 15' X 45' 4" addition to the footprint of the structure that will be utilized as a covered, but open entrance. The existing commercial space is currently being used by Omni Care. As indicated in the attached pictures and plans, the area of the proposed covered, but open, entrance is used as undesignated short term parking, related sidewalk, and a mechanical life for deliveries.

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

The subject location will remain accessible to emergency responders. The building meets all applicable life and safety standards in regards to Fire and Building Codes. The applicant has been in discussion with both departments, as well as Occupational Safety and Health Administration (OSHA), the National Rifle Association (NRA), Environmental Protection Agency (EPA) and the Bureau of Alcohol, Tobacco, Firearms and explosives (BATF) concerning requirements for each. The Shooting Range, Indoor Use will be located in the Sabraton Plaza that currently contains numerous buildings, types of commercial, and related parking.

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

The subject site is located in the Sabraton Plaza which contain 93,731 square feet of gross leasable area which encompasses seven buildings, and approximately 420 standard parking spaces, including and/or in addition to fifteen (15) accessible spaces. There will only be a 15' X 45' 4" addition to the footprint of the structure that will be utilized as a covered, but open, entrance. The Shooting Range, indoor use will be in an existing commercial structure and will not alter existing light distribution and air flow patterns within the general vicinity. Air quality will be regulated by OSHA and/or other agencies.

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

The current structure, which is located in a B-5, Shopping Center District, conforms to or falls under the maximum building height and maximum lot coverage standards for the zoning district. As evidenced in the attached pictures, there are approximately 420 parking spaces available in the Sabraton Plaza.

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

The subject site will be located in an existing multi-tenant structure in the Sabraton Plaza. There will be a small covered, but open addition for entrance purposes constructed on an area that currently incorporates a sidewalk, undesignated short term parking, and a mechanical life for deliveries. There are approximately 420 parking spaces within plaza. Hours of operation will be similar to the current commercial tenants within the plaza. It is anticipated that there will be approximately six employees.

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:

The nature of the conditional “Shooting Range, Indoor” use does not appear to require public services and/or facilities that are not already available to and serving the site and general vicinity. Capacity levels for water, sanitary sewer, and stormwater facilities appear to be adequate to support a change of use. The proposed development is not anticipated to contribute to overcrowding of public schools, parks, or other public requirements.

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

The subject site is located in an existing B-5 permissible building within a commercial development. No permanent structure is proposed or necessary for the conditional “Shooting Range, Indoor” use that would alter market values or commercial activity of adjacent buildings and uses. The structure will meet all life safety and building codes.

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

The subject site is located in the Sabraton Plaza which is zone B-5, Shopping Center District. According to the Planning and Zoning Code, the purpose of this district is to permit a group of establishments to be planned, constructed and managed as a total entity. Typically, B-5 districts are located along major thoroughfares, such as the heavily traveled corridor of Earl Core Road. The Sabraton Plaza currently contains 93,731 square feet of gross leasable area which encompasses seven buildings, and approximately 420 standard parking spaces, including and/or in addition to fifteen (15) accessible spaces. The proposed shooting range, Indoor use is highest and best use for the location within the development because it is tucked to the rear of the building, and not easily seen from Earl Core Road. Where other commercial uses may not have success due to the location within the development, the proposed use is more of a commercial destination.

CU16-12



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CU16-12
RECEIVED:	02SEP16
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: 420+
 No. of Dwelling Units (if applicable): 0 No. of Bedrooms: 0 No. of Employees: 6
 Square Footage of all Proposed Structures (please explain): _____

VI. SITE PLAN

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

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



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

OFFICE USE	
CASE NO.	C1110-12
RECEIVED:	02 SEP 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.

C416-12



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN - CONDITIONAL USE

OFFICE USE	
CASE NO.	C416-12
RECEIVED:	02 SEP 16
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:

Attached

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

Attached

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

Attached

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

Attached

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

Attached



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	<u>CL110-12</u>
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:

Attached

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

Attached

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

Attached

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.

Lisa Mardis

Lisa Mardis

09/02/2016

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

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

THE MORGANTOWN ARMORY, LLC
CONDITIONAL USE / FINDINGS OF FACT

CU 16-12

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The subject site is located in the Sabraton Plaza, which contains 93,731 square feet of gross leasable area that encompasses seven buildings, and approximately 420 standard parking spaces, including and/or in addition to fifteen (15) accessible spaces. There will only be a 15' X 45' 4" addition to the footprint of the structure that will be utilized as a covered, but open entrance. The existing commercial space is currently being used by Omni Care. As indicated in the attached pictures and plans, the area of the proposed covered, but open, entrance is used as undesignated short term parking, related sidewalk, and a mechanical lift for deliveries.

The parking requirement for the Shooting Range, indoor use is 1 space per 2 employees, plus 1 space per range. The subject site contains more than adequate parking spaces available daily for this and the other current uses. It is anticipated that there will be approximately six employees.

Mountain Line Transit Authority offers two bus lines that provide convenient linkages to alternate modes of transport that may reduce auto dependency and mitigate traffic congestion.

According to the Planning and Zoning Code, the purpose of this district is to permit a group of establishments to be planned, constructed and managed as a total entity. Typically, B-5 districts are located along major thoroughfares, such as the heavily traveled corridor of Earl Core Road.

According to the 2015 Annual Traffic Report prepared by the Morgantown Monongalia Metropolitan Planning Organization, for the year 2015 the ADT was 17,648 for this vicinity. An Indoor Shooting Range will not add a large volume of traffic to the already highly traveled corridor.

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

The subject location will remain accessible to emergency responders. The building meets all applicable life and safety standards in regards to Fire and Building Codes. The applicant has been in discussion with both departments, as well as Occupational Safety and Health Administration (OSHA), the National Rifle Association (NRA), Environmental Protection Agency (EPA) and the Bureau of Alcohol, Tobacco, Firearms and explosives (BATF) concerning requirements for each.

The Shooting Range, Indoor Use will be located in the Sabraton Plaza that currently contains numerous buildings, types of commercial, and related parking.

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The current structure, which is located in a B-5, Shopping Center District, conforms to or falls under the maximum building height and maximum lot coverage standards for the zoning district. As evidenced in the attached pictures, there are approximately 420 parking spaces available in the Sabraton Plaza.

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

The subject site will be located in an existing multi-tenant structure in the Sabraton Plaza. There will be a small covered, but open addition for entrance purposes constructed on an area that currently incorporates a sidewalk, undesignated short term parking, and a mechanical lift for deliveries. There are approximately 420 parking spaces within the plaza.

Hours of operation will be similar to the current commercial tenants within the plaza. It is anticipated that there will be approximately six employees.

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:

The nature of the conditional "Shooting Range, Indoor" use does not appear to require public services and/or facilities that are not already available to and serving the site and general vicinity.

Capacity levels for water, sanitary sewer, and stormwater facilities appear to be adequate to support a change of use. The proposed development is not anticipated to contribute to overcrowding of public schools, parks, or other public requirements.

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The Morgantown Armory, LLC

Conditional Use | Indoor shooting range | Earl Core Road

Images from Google Earth (marked accordingly) to show location of the Sabraton Plaza, location of proposed indoor shooting range, and related parking.



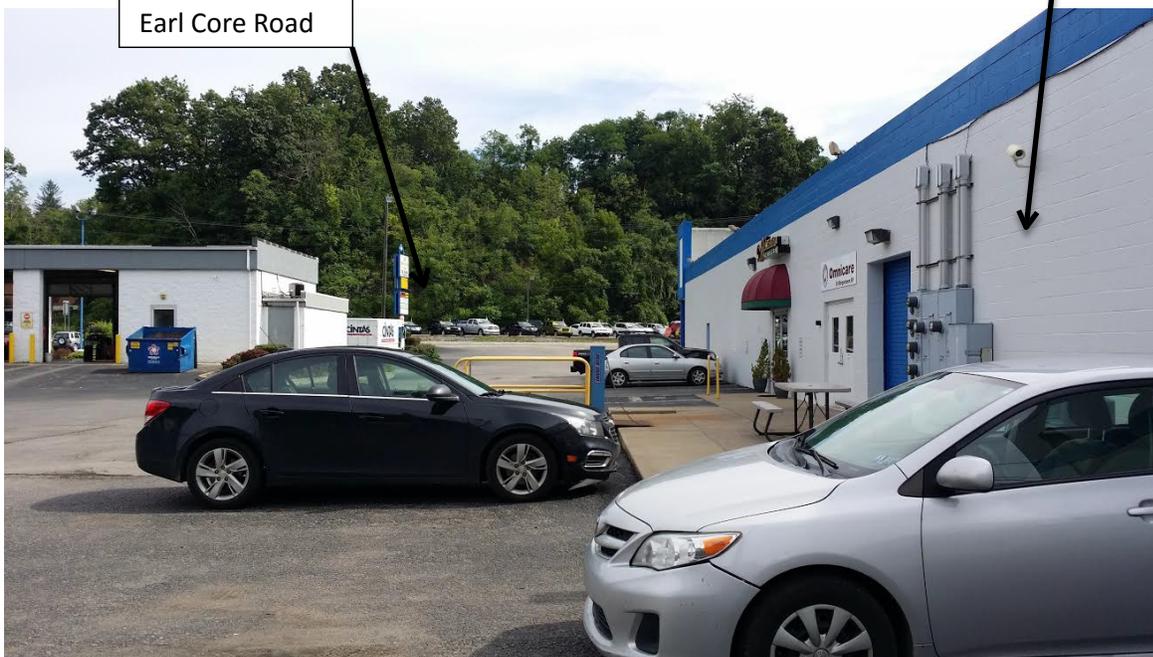








Location of proposed Indoor Shooting Range



Earl Core Road



Location of proposed Indoor Shooting Range





Rear of Sabraton Plaza



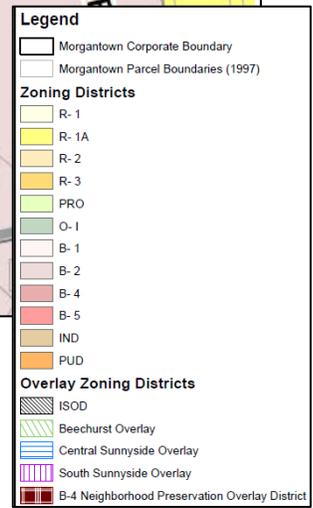
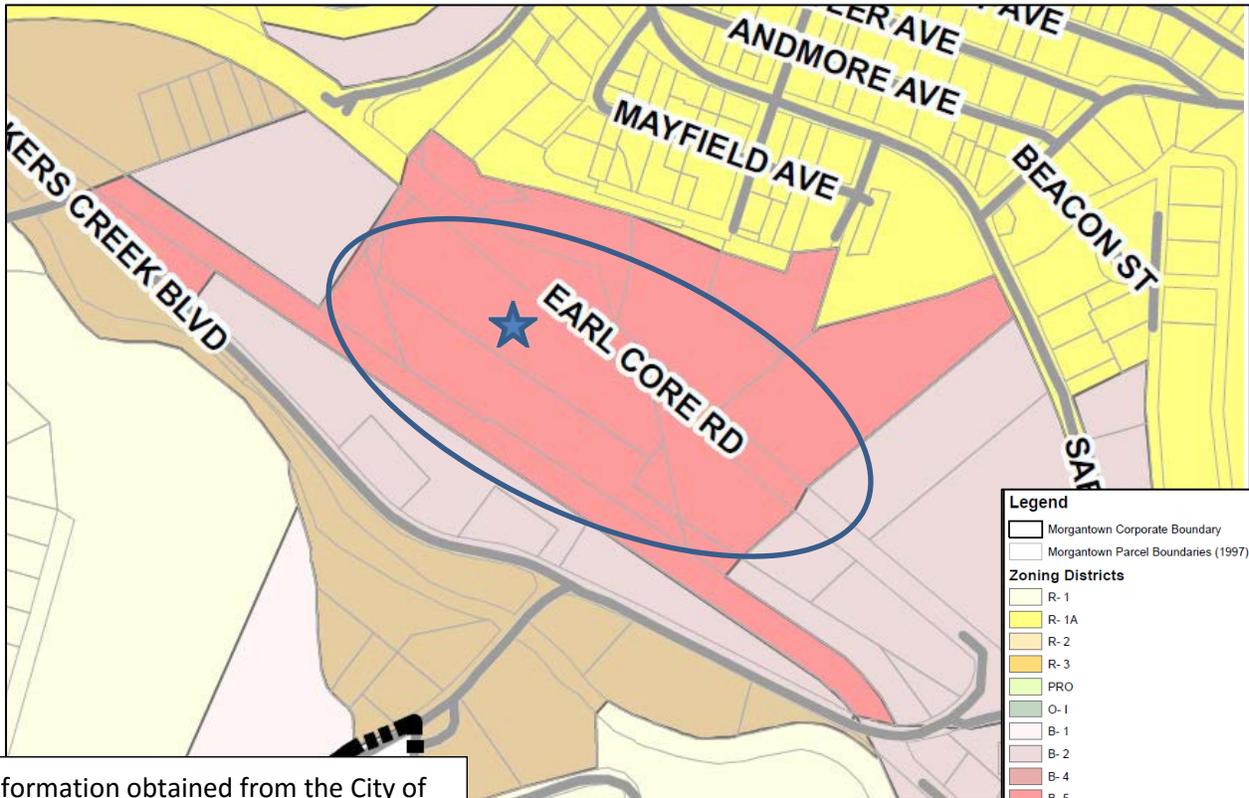


Rear of Sabraton Plaza – Proposed location of Indoor Shooting Range



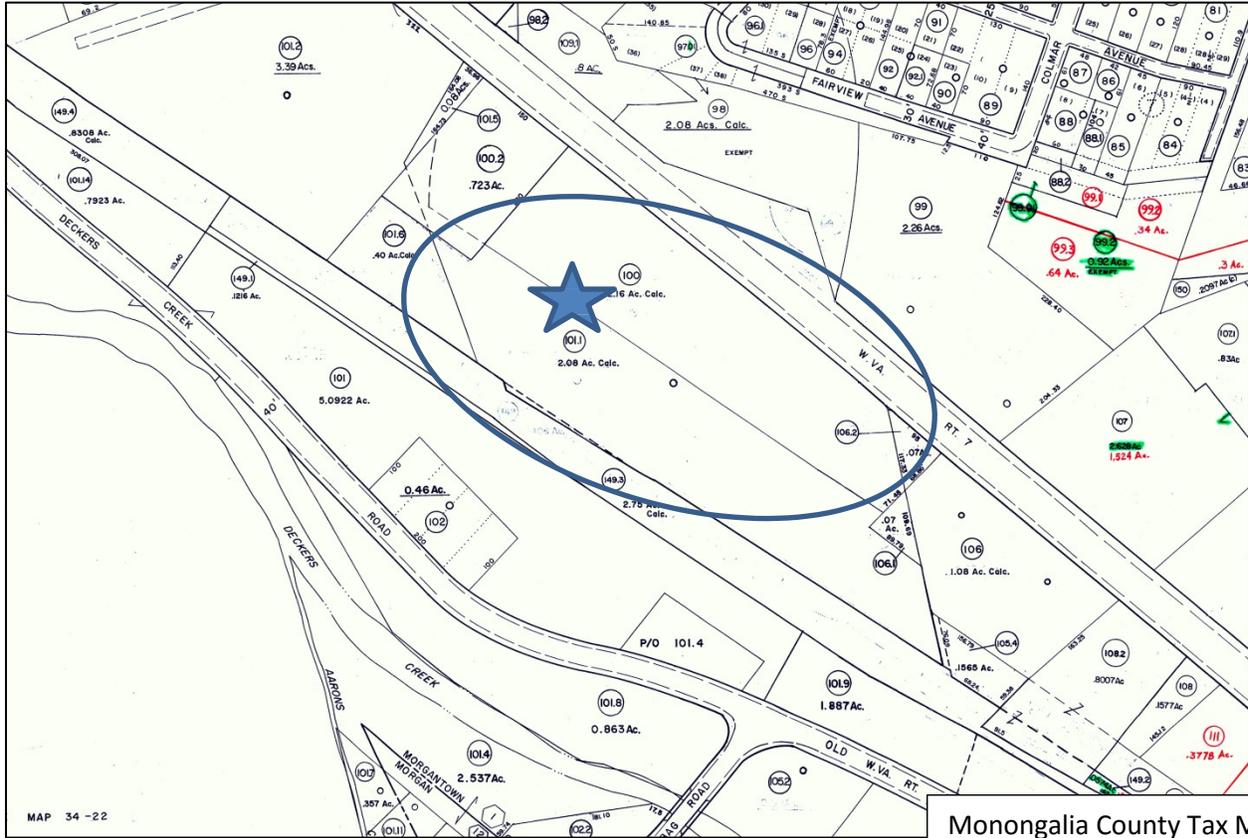
Part of Sabraton Plaza





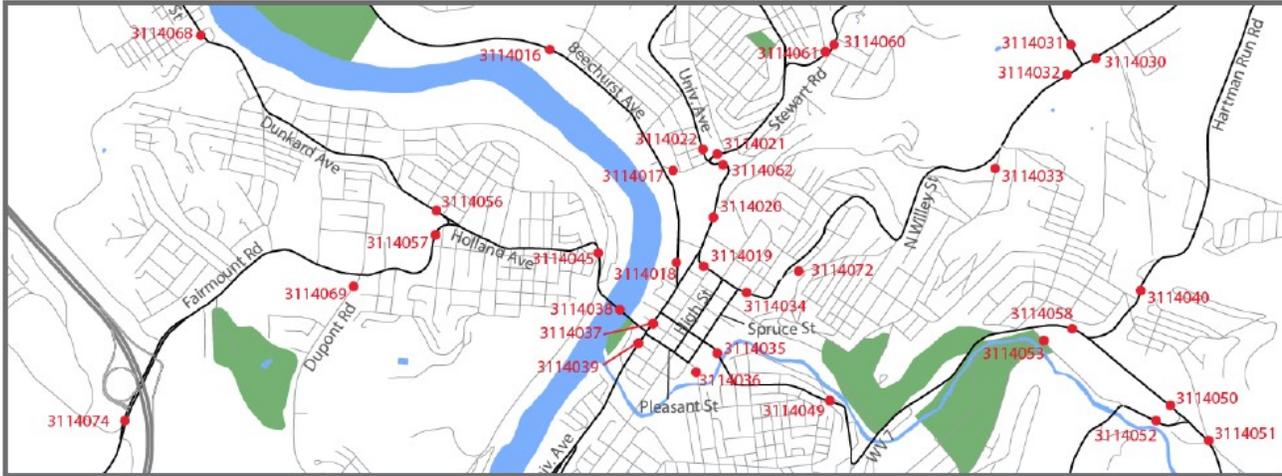
Information obtained from the City of Morgantown Zoning Map

The Morgantown Armory, LLC | Conditional Use Proposal for Indoor Shooting Range



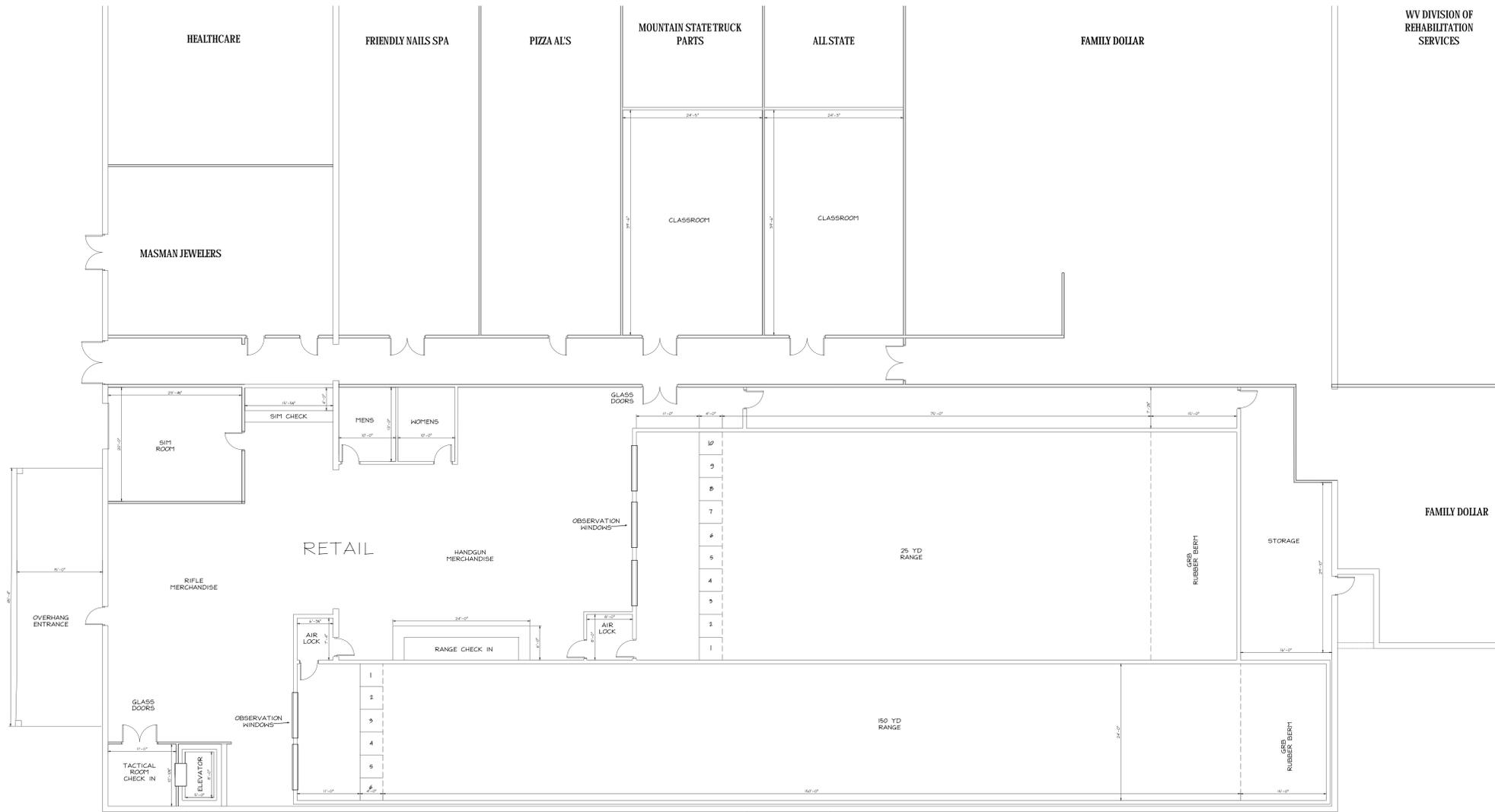
Monongalia County Tax Map #31

Map 3 Westover, City of Morgantown (1st, 2nd, 3rd, 5th, 6th Ward), Monongalia County

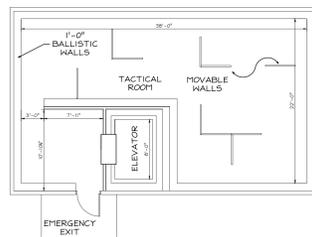


2015 Annual Traffic Report - Morgantown Monongalia Metropolitan Planning Organization

Station	Location	2011	2012	2013	2014	2015	5 Year Average	2015 Change
3114050	Earl Core Rd / North of Greenbag Rd	--	15,034	14,646	16,914	17,648	16,403	4%



1-1000 FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"



2-1000 SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"

GRB GUN RANGE BUILDER		
PROJECT SABRATION PLAZA GUN RANGE		
SIZE	PROJECT #	DWG NO
8	SPCR	SPCR 7-27-16
DATE	SCALE	SHEET 1 OF 1
7-29-16		



Architect:
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 Commercial, Office, Retail, Restaurant, Real Estate Development
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 Greenville, SC 29601
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 Fax: 864.990.3085
 www.cor3design.com

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 1350 C Cleveland Street
 Greenville, SC 29607
 864.235.3580
PLUMBING
 LWI Consulting Engineers
 25 Woodlake Road, Suite 405
 Greenville, SC 29607
 864.271.6535
MECHANICAL
 LWI Consulting Engineers
 25 Woodlake Road, Suite 405
 Greenville, SC 29607
 864.271.6535
ELECTRICAL
 H2L
 116 South Pleasantburg Drive
 Greenville, SC 29607
 864.233.8844

Project Title:
ENTRY ADDITION
 MORGANTOWN, WV



PRELIMINARY

H1 PROPOSED ENTRY ELEVATION - OPTION 4

3/8" = 1'-0"



PRELIMINARY

N1 OVERALL ELEVATION - OPTION 4

1/4" = 1'-0"

Seals:
 Revisions:
 Project Number:
 16031
 Phase:
 SD
 Date:
 08-31-2016
 Drawn By:
 Checked By:
 Sheet Number:
A5.02
 Sheet Title:
 EXTERIOR ELEVATION - OPTION 4

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ELECTRICAL
F2L
116 South Pleasantburg Drive
Greenville, SC 29607
864.233.8844

Project Title:
ENTRY ADDITION
MORGANTOWN, WV



Seals:
Revisions:

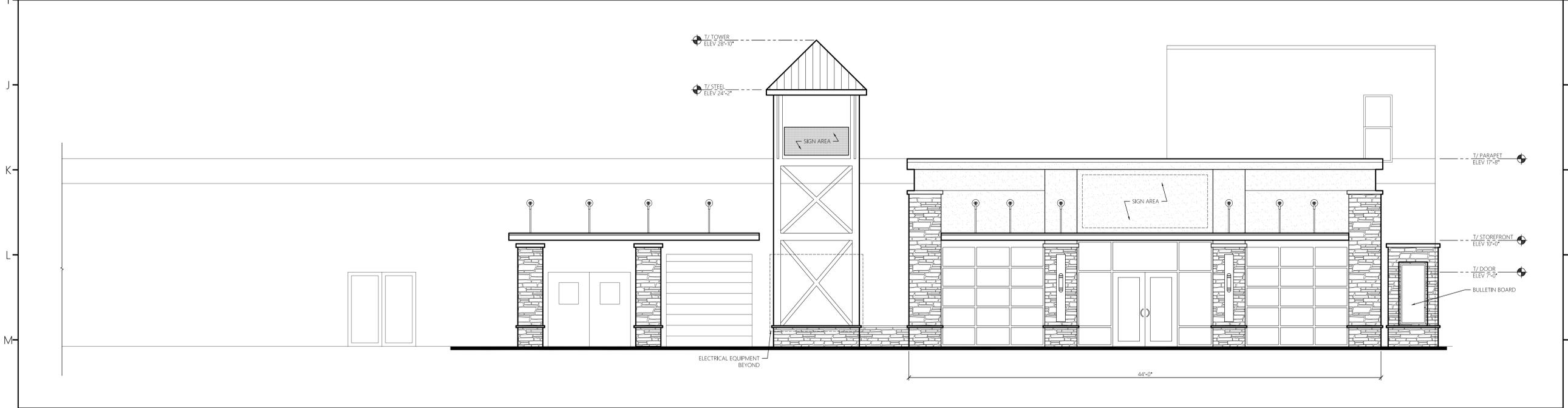
Project Number:
16031
Phase:
SD
Date:
08-26-2016
Drawn By:
-
Checked By:
-

Sheet Number:
A5.02
Sheet Title:
EXTERIOR ELEVATION- OPTION 3



H1 | PROPOSED ENTRY ELEVATION - OPTION 3

3/8" = 1'-0"



N1 | OVERALL ELEVATION - OPTION 3

1/4" = 1'-0"

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