



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
www.morgantownwv.gov

October 20, 2016

The Morgantown Armory, LLC aka Defense in Depth LLC
c/o Lisa Mardis
Project Management Services
12 North Water Street
Point Marion, PA 15474

**RE: CU16-12 / The Morgantown Armory, LLC / 1401 Earl Core Road
Tax Map 31, Parcels 100 and 101.1**

Dear Ms. Mardis:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced conditional use petition for an "Indoor Shooting Range" use at 1401 Earl Core Road. The decision is as follows:

Board of Zoning Appeals, October 19, 2016:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU16-12 with the following conditions:
 - a. 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.
 - b. That the beneficiary of this conditional use approval is specific to The Defense in Depth, 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.

The approval of this conditional use is set to expire in twelve (12) months unless you can demonstrate that it has been acted upon as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the applicant. Please note that requisite building permits and sign permits must be obtained prior to the commencement of any work. Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and approval needs.

Respectfully,

Stacy Hollar
Executive Secretary
Development Services Department

ADDENDUM A – Approved Findings of Fact
CU16-12 / The Morgantown Armory, LLC / 1401 Earl Core Road

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.