

MORGANTOWN PLANNING COMMISSION

Minutes

6:30 PM

March 10, 2011

Council Chambers

MEMBERS PRESENT: Peter DeMasters, Sam Loretta, Ken Martis, Bill Petros, Carol Pyles, Jennifer Selin, Michael Shuman, William Wyant

MEMBERS ABSENT: Tim Stranko

STAFF: Christopher M. Fletcher, AICP; Ryan Gillespie

- I. **CALL TO ORDER / ROLL CALL:** DeMasters called the meeting to order at 6:30 PM. DeMasters introduced Mr. Ryan Gillespie who is an Intern with the Planning Department this semester; is pursuing a graduate studies in Public Administration from West Virginia University; and, will be providing Staff support for Items B and C on the agenda.
- II. **GENERAL PUBLIC COMMENT:** DeMasters opened the public comment portion of the meeting for matters not on the agenda. There being none, he declared the public comment portion closed.
- III. **MATTERS OF BUSINESS:**
 - A. Approval of the February 10, 2011 meeting minutes – Wyant moved to approve the minutes as submitted; seconded by Selin. The motion passed unanimously with Loretta abstaining due to his absence.
- IV. **OLD BUSINESS:**
 - A. **RZ11-01 / Barker / 780 Weaver Street:** Request by William and Kathy Barker for zoning map amendment for property located at 780 Weaver Street. Tax Map #25 Parcel #44; R-1A, Single-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to reclassify Parcel 44 of Tax Map 25 from R-1A, Single-Family Residential District to R-2, Two-Family Residential District. Addendum A of this report illustrates the location of the subject realty.

According to a letter from the petitioner to the City's Finance Department dated August 23, 2010 (see attachment), it appears that the structure on the petitioner's realty has a long history of student rental occupancy dating back to the early 1950's. Further, the mixture of dwelling units surrounding the petitioner's parcel and southwest of Oak Street appear to be registered rental housing units.

Because the subject realty adjoins an R-2 District, the proposed zoning map amendment is considered a zoning district boundary adjustment.

According to Article 1337.01 of the Planning & Zoning Code, the purpose of the R-2 District is to:

- (A) Provide for two-family housing development and customary accessory uses at a density slightly higher than in single family neighborhoods, and
- (B) Preserve the desirable character of existing medium density family neighborhoods, and
- (C) Protect the medium density residential areas from change and intrusion that may cause deterioration, and
- (D) Provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

As shown in Addendum B of this report, Map LU-2 of the 1999 Comprehensive Plan illustrates that the planned use for the subject realty was "Single-Family Residential." Map LU-2 also illustrates that the planned use of adjacent tracts was "Public/Institution", which appears to recognize the neighboring Church of the Nazarene tracts. However, not all of the Church of the Nazarene tracts were included as planned "Public/Institution" uses on Map LU-2, particularly the parking lot tract between the petitioner's parcel and Oak Street.

In reviewing the property ownership information posted on the Monongalia County Assessor's website, it appears that the Church of Nazarene acquired Parcel 43 of Tax Map 25 in 1975, well before the 1999 Comprehensive Plan Update adoption. The Planning Department has no working knowledge as to why the Church of the Nazarene's Parcel 43 was not included on Map LU-2 as "Public/Institution" planned use.

West Virginia State Code §8A-7-8 provides that if a zoning amendment is inconsistent with the adopted Comprehensive Plan, then City Council, with the advice of the Planning Commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and that those changes have substantially altered the basic characteristics of the area.

Zoning map amendment requests should be evaluated on their land-use merits alone. The petitioner's development intentions are extraneous and the Commission should consider the request on its merits as a land-use decision. In conducting such an analysis, the Commission should determine if R-2, Two-Family Residential District is the appropriate zoning classification for the subject realty, weighing all possible future development and land use scenarios as permitted by the Planning & Zoning Code (please refer to Table 1331.05.01 "Permitted Land Uses").

DeMasters recognized the petitioner, William Barker, who stated that he inherited the property in 1990 from his parents. From 2006-2009 he has rented the property to his sons. There are 2 units, but not separate utilities.

Wyant asked if there was off-street parking. Barker answered that there is not currently off-street parking, and that the church rents parking spaces.

Petros asked how long it has been a rental. Barker answered that he only found out he was supposed to register it as a rental last year.

There being no further comments or questions by the Planning Commission, DeMasters opened the public hearing portion asking for comments in favor of the petition.

There being no comments in favor of the petition, DeMasters asked for comments in opposition of the petition.

There being no comments in opposition of the petition, DeMasters declared the public hearing portion closed and asked for staff's recommendations.

Fletcher stated that the Planning Department advises the Planning Commission to determine that:

- Not all the parcels owned by the Church of the Nazarene appear to have been accurately illustrated on Map LU-2 of the 1999 Comprehensive Plan.
- The petitioner's subject parcel appears to be sufficiently buffered by the Church of the Nazarene's realty from the R-1A District area north of Oak Street.
- The longstanding occupancy of the subject realty and the predominant land use of the immediate area, particularly south of Oak Street, have been housing types permitted in the R-2 District.

DeMasters asked for clarification of the map. Fletcher explained the layout of the parcels.

Petros expressed concern that if church ever sold their property, they could also request reclassification to R-2 zoning.

Barker stated that the other parcels owned by the church are rental properties.

Fletcher stated that staff's original recommendation to the petitioner was to contact the church owners to see if they would be in agreement to take the boundary line to Oak Street, but the church owners were not interested. He also stated that with the upcoming Comprehensive Plan, this is one of the areas that have been targeted to look at for re-zoning.

Selin asked about the request as it relates to registering a duplex. Fletcher explained that it currently cannot be registered as a duplex because it is in an R-1-A zoning district. He further stated that he is not sure why the zoning district splits mid-block.

Martis moved to forward a recommendation to City Council to approve the requested zoning map amendment so that Parcel #44 of Tax Map #25 is reclassified from R-1-A, Single-Family Residential District to R-2, Two-Family Residential District; seconded by Loretta. The motion passed unanimously.

V. NEW BUSINESS

- A. MNS11-02 / Big Pong, LLC / Private drive located off Eljadid Street:** Request by Sean Murphy, on behalf of Big Pong, LLC for minor subdivision approval for property located on a private drive off Eljadid Street. Tax Map #33 Former Parcel #51; B-2, Service Business District.

Fletcher read the Staff Report stating that on October 13, 2005, Bruceton Bank was granted Major Subdivision approval (MJS04-01) to reconfigure boundary lines and create four (4) parcels with ingress via a private access road terminating in a cul-de-sac from Eljadid Street.

Big Pong, LLC has since purchased realty recognized as Lot #1 for the purpose of developing a "Restaurant" and related parking. Due to the location of the floodway that encompasses a large

portion of the western side or rear of the property, the amount of buildable area appears to be diminished for the development program proposed by the petitioner. To overcome this physical obstacle and preserve the floodplain, the petitioner seeks to incorporate the area formerly reserved for the cul-de-sac, approximately 7,975 square feet, into Lot #1 creating a 55,616 square foot or 1.28 acre parcel.

Addendum A of this report illustrates the location of the subject site. The petitioner has worked with the Fire Department and the City Engineer to develop a suitable plan that maintains emergency and public access respectively in lieu of the cul-de-sac.

DeMasters recognized Sean Murphy, petitioner and Attorney for Big Pong, LLC, who stated that the cul-de-sac area will be used for parking, but public easement will be granted for emergency vehicles, etc.

Martis asked if the only access was via Eljadid Street, to which Murphy stated it was.

There being no further comments or questions by the Planning Commission, DeMasters opened the public hearing portion asking for comments in favor of the petition.

There being no comments in favor of the petition, Demasters asked for comments in opposition of the petition.

There being no comments in opposition of the petition, DeMasters declared the public hearing closed and asked for Staff's recommendation.

Fletcher stated that Staff recommends approval with the following conditions:

1. That, to the satisfaction of the Planning Director, the petitioner shall, by recorded perpetual public access easement running with the subject realty, maintain, protect, and preserve a vehicular route across same for use by the general public and emergency vehicles in lieu of the cul-de-sac required in the Planning Commission's October 13, 2005 approval of MJS04-01;
2. That the petitioner submit three (3) paper copies of the plat and subject public access easement, signed and sealed by a surveyor licensed in the State of West Virginia, of the final plat for the Planning Commission President's signature; and,
3. That the final plat is filed at the Monongalia County Courthouse within /thirty (30) days of meeting the condition set forth above.

Selin moved to approve Petition MNS11-02 with the Staff recommended conditions; seconded by Martis. Motion carried unanimously.

- B. MNS11-03 / Proutt / 244 Highland Avenue:** Request by James Proutt, et al, for minor subdivision approval for property located at 244 Highland Avenue. Tax Map #14 Parcel #210; R-1A, Single-Family Residential District.

Gillespie read the Staff Report stating that the petitioner seeks to subdivide realty at 244 Highland Avenue into two parcels. The purpose of the subdivision is to allow the petitioner to sell the undeveloped portion of the realty. Addendum A of this report illustrates the location of the subject site.

The following points describe the proposed subdivision:

- Proposed Parcel #1, which includes a residential and accessory structure, will contain approximately 5,796 square feet and have approximately 48.3 feet of road frontage.
- Proposed Parcel #2 will contain approximately 4,284 square feet and have approximately 35.7 feet of frontage.

The proposed subdivision exceeds the minimum lot area standard of 3,500 square feet and minimum lot frontage standard of 30 feet within the R-1A District. No encroachments by the existing structures will be created.

Gillespie noted that the petitioners requested staff to represent the petition.

There being no comments or questions by the Planning Commission, DeMasters opened the public hearing portion. There being no public comments in favor or in opposition to the petition, DeMasters declared the public hearing closed and asked for Staff's recommendations.

Gillespie read the Staff recommendations, stating that Staff recommends approval with the following conditions:

1. That the location of the proposed parcel boundary established to create the new parcel be at least five (5) feet from the existing accessory garage structure;
2. That the petitioner submit three (3) paper copies, signed and sealed by a surveyor licensed in the State of West Virginia, of the final plat for the Planning Commission President's signature; and,
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Martis moved to approve Petition MNS11-03 with the conditions recommended by Staff; seconded by Wyant. Motion carried unanimously.

- C. MNS11-04 / Hetrick / 216 Woodridge:** Request by Kenneth Hetrick for minor subdivision approval for property located at Woodridge. Tax Map #24 Parcel #77; R-1A, Single-Family Residential.

Gillespie read the Staff Report stating that the petitioner seeks to subdivide realty located at 216 Woodridge Street into two parcels for the purpose of the building an additional single-family structure. Addendum A of this report illustrates the location of the subject site.

The following points describe the proposed subdivision:

- Proposed Parcel #1, which currently contains a residential and accessory structure will contain approximately 5,828 square feet and have approximately 94 feet of frontage on Woodridge Street.
- Proposed Parcel #2 will contain approximately 8,272 square feet and have approximately 94 feet of frontage on an unopened, unnamed street and will be accessed via an easement from Woodridge Street.

The proposed subdivision exceeds the minimum lot area standard of 3,500 square feet and minimum lot frontage standard of 30 feet within the R-1A District. No encroachments by the existing structures will be created.

Gillespie noted that the petitioner requested Staff to represent the petition.

Wyant asked for clarification about location of driveway easement.

Fletcher said the drawing is not to scale, but if approved, the petitioner will have the property surveyed and then will know the exact distance. However, a pin that the petitioner located indicates there is sufficient room for driveway. If not, then he understands he may have to tear down the garage.

Wyant asked if there is a standard width for a driveway. Fletcher stated that a driveway is usually 10-12 ft. wide. Fletcher also explained the pictures that the petitioner included.

There being no further comments or questions by the Planning Commission, DeMasters opened the public hearing.

There being no comments in favor or in opposition to the petition, DeMaster's declared the public hearing closed and asked for Staff's recommendations.

Gillespie read the staff recommendation, stating that Staff recommends approval with the following conditions:

1. That, to the satisfaction of the Planning Director, the final plat illustrate and include a perpetual access easement from Woodridge Street to the newly created parcel and that said easement be recorded and run with all affected realty;
2. That the petitioner submit three (3) paper copies, signed and sealed by a surveyor licensed in the State of West Virginia, of the final plat for the Planning Commission President's signature; and,
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

Wyant moved to approve Petition MNS11-04, with the Staff's recommended conditions; seconded by Pyles. Motion carried unanimously.

VI. OTHER BUSINESS

A. Committee Reports:

1. **Traffic Commission** – Martis stated that the Bicycle Board will be contacting the Planning Department to discuss merits of requiring bicycle storage to be a part of all multi-family development that is of a scale of Developments of Significant Impact or larger city-wide in addition to the requirements currently provided within the B-4 District.
2. **Green Team** – Martis stated that he presented a study of his students concerning the importance and opportunities to expand public green space with the City of Morgantown.

- ### **B. Staff Comments** – Fletcher discussed the 2010 Annual Report to City Council. Fletcher also provided a brief on the upcoming Comprehensive Plan update, which will include a partnership with the MPO and Star City. Granville is also considering joining the planning project. Stranko asked if Westover is

considering participating. Fletcher stated that he believes the MPO is working in this regard. Fletcher noted that Westover did not agree to participate as a partner in the federal Sustainable Communities Planning Grant application last fall. Fletcher stated he believes this was a message of their interest in participating with the rest of the surrounding communities on this type of project.

Fletcher asked for the Planning Commission to authorize him, as the Commission's Secretary, to submit the 2010 Annual Report to City Council.

Selin moved to submit the Planning Commission's 2010 Annual Report to City Council as presented; seconded by Stranko. The motion passed unanimously.

Selin expressed an appreciation for the Planning Department's efforts relative to preparing an annual report. She believes this is very important information for the Planning Commission.

Fletcher provided a brief on the first monthly status report for the implementation of the 2010 Downtown Strategic Plan and noted that Main Street Morgantown will also be providing a similar status report concerning Plan elements assigned to Main Street for execution.

Fletcher also discussed a Comprehensive Plan information pamphlet developed by Staff that will be used as an educational tool.

VII. FOR THE GOOD OF THE COMMISSION – None.

VIII. ADJOURNMENT – Meeting adjourned at 7:20 PM.

MINUTES APPROVED: April 14, 2011

COMMISSION SECRETARY: _____
Christopher M. Fletcher, AICP