

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

April 25, 2013

Council Chambers

MEMBERS PRESENT: Carol Pyles, Bill Petros, Ken Martis, Jennifer Selin, Tim Stranko, Michael Shuman

MEMBERS ABSENT: Peter DeMasters, William Wyant, Sam Loretta

STAFF: Christopher Fletcher, AICP

- I. **CALL TO ORDER/ROLL CALL:** Pyles called the meeting to order at 6:30 PM and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.
- II. **GENERAL PUBLIC COMMENTS:** None
- III. **MATTERS OF BUSINESS:**
 - A. Approval of March 14, 2013 meeting minutes: Selin moved to approve the minutes from the March 14, 2013 hearing as presented; seconded by Stranko. Motion carried unanimously.
- IV. **OLD BUSINESS:** None.
- V. **NEW BUSINESS:**
 - A. City of Morgantown 2013 Comprehensive Plan Update: West Virginia State Code 8A-3-6 provides that the Planning Commission hold a public hearing for the amended comprehensive plan prior to submitting its recommendation to City Council.

Fletcher stated that the Comprehensive Plan Update started in December 2011 is now ready to be presented to the Planning Commissioner for consideration and recommendation to City Council. Fletcher introduced Michael Curtis of ACP Visioning + Planning, who attended the meeting to help present the Plan.

Curtis stated that he has had the pleasure of working with the Planning Commission and Steering Committee over the past 18 months in preparing the document. Curtis stated that this meeting marks the end of the plan preparation process but is just the beginning of where the hard work exists with implementation.

Curtis presented a power point presentation that covered: public participation; research and analysis; the development of goals, objectives, and strategies; document preparation; an overview of the plan itself; state code obligations; and, what future steps are needed for the implementation of the plan.

Curtis concluded the presentation and welcomed questions from the Commissioners.

Fletcher referred to a flow chart that was included in the meeting packet illustrating the comprehensive plan adoption process provided in West Virginia State Code. Fletcher noted that the next step is for the Planning Commission to hold a public hearing, which was duly advertised, and then forward a recommendation to City Council for adoption. City Council will then schedule a first reading, conduct its public hearing, and then consider a second reading. Fletcher explained that the City Council could adopt the plan as recommended or they could request amendments or revisions, which would then bring it back to the Planning Commission. City Council could also reject the document which would then bring it back to the Planning Commission as well.

Fletcher referred to page 74 of the March 25, 2013 Draft clarified that the last 4 sentences in the fourth paragraph refers to a downpayment assistance program that West Virginia University offered at one time to faculty and staff targeting specific neighborhoods inside of the City. After looking into the program further, it was discovered that this program was discontinued about three years ago. Therefore, Staff recommends two motions. The first motion is to omit the last four sentences of the fourth paragraph so the draft does not incorrectly reference a program that no longer exists. The second motion is for the Planning Commission to forward the document to City Council with a recommendation to adopt it as revised.

Fletcher reiterated that the public hearing was properly advertised on March 22, 2013 in the *Dominion Post*, which met the thirty-day public notice requirement in West Virginia State Code. Fletcher asked the Commissioners if there were any questions regarding the process and procedures for the Plan.

Stranko asked Fletcher if subsequent zoning ordinance amendments after the adoption of the plan must be consistent with the plan according to West Virginia State Code. Fletcher confirmed that was correct.

Stranko noted that many private developers attended the previous meetings and feels it is important to advertise the final draft and get the word out to those developers via a workshop or other means of education prior to the City Council vote.

Selin asked Curtis how Morgantown compares to other communities in terms of public participation. Curtis noted that attracting community members to get involved in a planning process is very difficult and participation varies from each community. He was disappointed that more people were not involved, but the participation they received was very informative with responses and suggestions. Curtis explained that a lot of the plan development is getting the public to understand the process, get excited, and be supportive about implementing the plan. He felt that another 20-100 people would not tell a lot more but they would have gained some extra champions for the planning process and the implementation for what is recommended.

Selin stated that she attended previous meetings that were at various locations and it was nice to work broadly. She also noted the level of detail and appreciates how the plan is tailored for Morgantown.

Curtis noted that it is easier to get people to come out and provide input when it involves something that is imminent or directly affects them. However, when talking about something long-term and regional, it is a challenge for the general public to get their heads around the

future. He felt that by having the meetings planned just for Morgantown, there was a much better response.

There being no further comments or questions by the Commission, Pyles opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition.

Pyles recognized Suzanne McDonald, President of the Evansdale Neighborhood Association, who stated that there were many positive comments at the last neighborhood association meeting and feels the Plan will be a good guide for development in the next ten years. However, the association felt that an important component of the plan is conservation and the Riverview Drive area should be conserved as there are locations that have viewsheds. McDonald asked for this subject to be added to the plan in some capacity, although she doesn't know under which segment.

There being no further public comments, Pyles closed the public hearing and asked Curtis to speak to viewsheds.

Curtis stated that viewsheds were mentioned in the public process and one of the principals within the "Regional Vision" chapters it is mentioned, although not in a specific location. However, that is something they could look at addressing within the Land Management Map.

Stranko suggested that viewsheds should go under Principals for Land Management, principal No. 10 as it talked about future development. Selin stated that principal No. 10 gears toward natural open spaces. Petros suggested inserting a section for future development that should consider restrictions of using existing areas for development.

Curtis recommended it be addressed as something broader instead of looking at one specific neighborhood and should be included at the principal level although he is not sure which one.

Stranko suggested including it under principal No. 4, which talks about "Existing neighborhoods throughout the city will be maintained and/or enhanced", and noted that the third bullet could include protecting existing viewsheds. Curtis agreed. Fletcher worked on rewording the item while discussion continued.

Selin inquired that if someone wants to preserve the viewshed where they reside then how would that be put into action.

Stranko explained that if someone has an application to destroy a viewshed, then the person would come to the Planning Commission or the Board of Zoning Appeals, and noted that it is contrary to the principal in the Comprehensive Plan. As a matter of law, things cannot be done by enacting an ordinance contrary to the Comprehensive Plan. Curtis said you could strengthen it by creating an ordinance that is part of the code which is a viewshed protection ordinance.

Curtis suggested identifying some of the viewsheds as it is a very subjective thing and anyone who opposed a particular project could claim their viewshed is being blocked.

Petros suggested including a viewshed that would significantly impact the property value.

Curtis also mentioned that most of the areas include steep slopes which could also be regulated within the code and would be a little easier to quantify whereas viewsheds are more qualitative.

Stranko asked Curtis to explain the collaboration with planning between the City and the County. Curtis noted that collaboration is important and that the City did try to involve the County in the beginning of the process as part of the regional vision and developing the comprehensive plan. He was not directly involved with communication that took place but he understands that it was not a negative relationship and the County may not have been ready to get on board. Therefore, the City decided to move forward.

Fletcher suggested rewording principal No. 4 under "Principals for Land Management", which could be found on page 33, fourth bullet by including "preserve and protect community valued viewsheds." Fletcher noted that the protection of a viewshed should be an asset appreciated by the community and Curtis agreed that it has to be valued in the community. Fletcher referred to principal No. 10 and suggested adding "community valued viewsheds" to the first bullet.

[Mr. Shuman joined the hearing at approximately 7:05 PM.]

Stranko moved to amend: 1.) The third bullet under item No. 4 on page 33 to read as, "Development will strengthen public amenities (sidewalks, lighting, open space), improve community appearance, remedy blighted properties, and preserve and protect community valued viewsheds." 2.) The first bullet under item No. 10 on page 35 to read as, "wooded, steep slopes, and community valued viewsheds will be protected and integrated into new developments, and connected when possible to create a continuous open space system."; seconded by Martis. Motion carried unanimously.

Stranko moved to strike the last four sentences of the fourth paragraph on Page 74 of the March 25, 2013 Morgantown Comprehensive Plan Update draft that begins, "It is one of several programs by the University..." continue to the end of said paragraph; the purpose of which is to ensure that this draft does not incorrectly reference a West Virginia University program that has been discontinued; seconded by Martis. Motion carried unanimously.

Stranko moved to forward the March 25, 2013 Morgantown Comprehensive Plan Update draft, as amended, and its appendices to City Council with a recommendation that it be adopted in the manner prescribed under Chapter 8A, Article 3 of the West Virginia State Code; seconded by Martis. Motion carried unanimously.

- B. MNS13-09 / Otto Properties, LLC / Burroughs Street:** Request by Lisa Mardis of Project Management Services, on behalf of Otto Properties, LLC, for minor subdivision approval of property located at 510 Burroughs Street; Tax Map 55, Parcels 37 and 37.1; B-2, Service Business District and R-2, Single and Two-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks a minor subdivision that is necessary to carry out terms of a settlement agreement reached to resolve a boundary dispute. Addendum A of this report illustrates the location of the subject realty.

The parties seek to subdivide approximately 5,561 square feet from Parcel 37.1 (classified as R-2) and add same to Parcel 37 (classified as B-2).

The proposed subdivision will comply with related minimum lot sizes for the respective zoning districts and will not create a setback encroachment.

Pyles recognized the petitioner's representative, Lisa Mardis, of Project Management Services, who stated that the subdivision request is to fulfill the requirements of a settlement agreement with Unity House Apartments. Mardis stated she is in receipt of an email from Mr. Andrew Smith and believes his issues concern the zoning ordinance and not the subdivision regulations.

Stranko asked Mardis to expound upon her statement of whether something is in the zoning ordinance or the subdivision regulations. Mardis felt that Mr. Fletcher could better explain as the City's planning professional.

Fletcher explained that the Planning and Zoning Code consists of the subdivision ordinance and the zoning ordinance. He noted that the matter before the board is a subdivision request, which in this case involves taking a piece of one parcel and adding it to another parcel. Because this subdivision request meets all of the minimum standards set forth by the subdivision regulations and related elements set forth in the zoning ordinance that reflect back to the subdivision regulations, the decision before the Commission on this matter becomes a ministerial decision. State Code and case law provide that if a subdivision meets all of the standards in which the community enumerates in a subdivision regulation, then it is required to approve the subdivision request.

Petros asked if something will be done with the extra land such as the parking lot being extended.

Martis suggested that Mr. Glenn Adrian [who was present in the audience]. Petros said that was not necessary and was just curious as to what is being done with the extra land.

Stranko explained that the law says the request is in abstract form and what people do with their property is a different matter.

There being no further questions or comments by the Commission, Pyles opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition.

Fletcher stated that two email communications were received by Staff from Mr. Andrew Smith. The first email requested that the subdivision request be tabled awaiting petitioners full compliance with Morgantown City Planning and Zoning Code at 510 Burroughs Street.

Stranko asked Fletcher to clarify that a citizen is complaining to the City about non-compliance with the ordinance and asked if the complaints made by Mr. Smith will be addressed by the City and how will it be handled. Fletcher confirmed and stated that the City will respond to the complaint and will be handled administratively.

Stranko asked where the citizen would go if they are not happy with how the administration handles the complaint. Fletcher stated that the citizen would contact the City Manager.

Selin clarified that the conditions may or may not exist but it is irrelevant to the case. Fletcher confirmed.

Fletcher read the second email from Mr. Smith, who asked that the unsigned Certificate of Occupancy be provided to the Commissioners for review as well as a list of complaints provided to concerned citizens and neighbors. Mr. Smith requested that Commissioners be made aware that Staff has requested the petitioner to respond to various issues and code related matter by May 15, 2013.

There being no further public comments, Pyles declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval of MNS13-09 with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Stranko moved to approve minor subdivision petition MNS13-09 as requested with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

C. MNS13-10 / Jamison / White Avenue: Request by Deborah Jamison for minor subdivision approval of property located along White Avenue: Tax Map 34, Parcel 22; R1-A, Single Family Residential District.

The petitioner seeks to subdivide a portion of Parcel 22 of Tax Map 34 by creating four (4) new parcels. The subject portion of Parcel 22 is currently undeveloped. Addendum A of this report illustrates the location of the subject site.

The subject portion of Parcel 22 is approximately 7 acres in area. The three proposed parcels that will be created from the approximate 7-acre tract will be approximately 46 feet by 80 feet with 46 feet of frontage along White Avenue. The approximate area of each of the three newly created parcels will be 3,680 square feet, leaving the parent parcel approximately 11,040 square feet less in area after the subdivision.

The proposed parcels exceed the minimum lot area standard of 3,500 square feet and minimum lot frontage standard of 30 feet in the R-1A District.

Fletcher referred to Addendum A and explained that the property is located on a portion of Tax Map 35 however parcel 22 is located on Tax Map 34 and represents seven acres of the large parcel. The petitioner wants to create three new single family sized parcels in the corner of the property from the large parent parcel.

Fletcher stated that Deborah Jamison was unable to attend the hearing and asked for Staff to represent her Minor Subdivision request.

Martis asked if Ms. Jamison owned the entire lot. Fletcher stated that when referring to the tax maps posted on the County Assessor's website, it appears that the two blocks connected are owned by two separate entities. Ms. Jamison is an owner of the subject property.

Fletcher noted there are two houses at the intersection of White Avenue and Vandalia Road that are located on parcels that have been subdivided from the larger parent parcel but not reflected on the tax map. There is a pattern that has been established of single-family dwellings along the property's White Avenue frontage.

There being no further questions or comments by the Commission, Pyles opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being none, Pyles declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval of MNS13-10 with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. 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 minor subdivision petition MNS13-10 with Staff recommended conditions; seconded by Selin. Motion carried unanimously.

D. TX13-01 / Administrative / "Lodging or Rooming House" Uses: Administratively requested text amendment to Table 1331.05.01 "Permitted Land Uses" of the City's Planning and Zoning Code as it relates to "Lodging or Rooming House" uses in the B-4 District.

Fletcher read the Staff Report stating that Table 1331.05.01 "Permitted Land Uses" of the City's Planning and Zoning Code permits "Lodging or Rooming House" uses in the B-4 District with conditional use approval by the Board of Zoning Appeals.

During the Boards' February 20, 2013 hearing, a conditional "Lodging or Rooming House" use petition was granted for 206 Spruce Street. In response to the considerable opposition expressed publicly surrounding this case, City Administration seeks to respond by submitting a zoning ordinance text amendment to the Planning Commission that would remove "Lodging or Rooming House" uses as permitted in the B-4 District.

ANALYSIS:

The objective of mixed-use development and land use patterns is to contribute to the creation of places that enliven urban centers while meeting the everyday needs of the community. Mixed-use development offers many advantages over single-use development in fostering better urban environments including:

- Sense of Community – Mixed-use development provides opportunities for community interaction by catering to a diversity of people and uses in one place.
- Vitality – Diversified, mixed-use urban centers become community destinations.
- Convenient Access – The mixing of diverse uses within proximity of public spaces, services, and amenities makes it possible to reduce vehicle trips and encourage shared parking and transit ridership.
- Pedestrian-Friendly Environment – Mixed-use development provides more opportunities for convenient and safe pedestrian access.
- Longer Hours of Active Street Life – A range of uses are generally active at different times of the day or on different days of the week, which activates the space for longer hours than is possible for any one single-use type.

- Safety – Mixing residential, commercial, and professional activities within a compact area ensures activity throughout the day and evening, creating a sense of safety.

The preservation of existing and continued development of at-grade commercial leasable space is paramount to ensuring desired mixed land use patterns within urban centers. The City's B-4 District represents Greater Morgantown's urban center.

The July 2010 Downtown Strategic Plan Update provides the following guidance relating to planned land uses and preferred development patterns within the City's central business district (emphasis added).

Section 4.8 Housing (Page 51):

"The opportunities to create a variety of housing types and price levels in the downtown are vast, as downtown Morgantown has many historic buildings whose upper floors could be redevelopment for use as apartments and/or condominiums. In addition, there are a number of empty lots that could be developed with new **mixed-use buildings**."

Section 6.0 Downtown Strategies (Page 64):

"Housing and Redevelopment: Redevelop vacant and underperforming properties throughout the downtown and promote a variety of **mixed-use housing** in order to diversify the demographics of downtown residents."

Section 6.1 Downtown Framework Plan (Page 65):

"Downtown's traditional core already reflects the new paradigm for American downtowns: walkable gridded streets, public gathering places, **mixed-uses**, and mixed demographics. These qualities should be extended throughout the study area to promote a strong sense of community and **attract new residents, merchants, entrepreneurs, and investors**."

Section 6.3.1.4 Character Area C4 – Forest Avenue (Page 86):

"Opportunities – Additional **mixed-use** infill at the **north end of Spruce Street**."

Section 6.3.1.4 Character Area C4 – Forest Avenue (Page 87):

"Reinforce the urban quality by increasing the mass, density, and **mixed-use** quality buildings that front on well-designed pedestrian streets."

Section 6.6 Housing and Redevelopment (Page 122):

"6.6.2 Encourage the reuse and conversion of underutilized **upper floors for new residential uses**."

As noted above, the goals, objectives and strategies provided in the 2010 Downtown Strategic Plan Update emphasize mixed-use housing. Additionally, the preservation and growth of street level commercial retail storefronts is emphasized by focusing, in part, on the conversion of upper floors as additional residential opportunities.

Moreover, "mixed-use" and "over-store" dwelling uses are permitted by-right in the B-4 District, which supports the Plan's preferred residential use pattern of maintaining and preserving a non-residential presence at street level.

However, “lodging or rooming house” uses are currently permitted in the B-4 District as a conditional use.

Article 1329.02 of the Planning and Zoning Code defines “conditional use” as:

“A use which because of special requirements or characteristics may be permitted in a particularly zoning district only after review by the Board of Zoning Appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in this Ordinance.”

Requiring a particular land use to obtain conditional use approval affords the Board of Zoning Appeals and the community through a public hearing the opportunity to review the merits of the conditional use request on a case-by-case basis

Consideration is given to the characteristics peculiar to the proposed conditional use and its location with reference to its surroundings (e.g., built environment, neighboring uses, streets, existing improvements, demand upon public facilities, etc.). The approval of a conditional use along with specific conditions, if warranted, are intended to ensure that the particular conditional use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site.

Given the recent public discussion surrounding conditional “Lodging or Rooming House” uses in the B-4 District, it appears that the Planning and Zoning Code can and should be strengthened to better reflect the related goals, objectives and strategies provided in the 2010 Downtown Strategic Plan Update.

Stranko asked Fletcher if the goal in the Downtown Plan Update was to keep structures in the B-4 district as having first floor retail or first floor commercial public activity and upper floors to remain as residential. Fletcher confirmed.

Petros understands the concept of the requested ordinance but feels there are other older houses in the downtown area that would fit the category and asked if this ordinance would change the approach to those houses.

Fletcher stated that if the Planning Commission were to recommend this ordinance to go to Council and it is enacted, “Lodging or Rooming House” uses would no longer be permitted in the B-4 District. There may be other similar structures to the case identified, but if the change is enacted, then the owners of those similarly designed houses will not have the opportunity pursue that particular land use change.

Petros referred to the billboard ordinances discussed at prior meetings where it was stated that there had to be a particular place in the City for all types of development. Petros asked where lodging and rooming houses would go if they no longer are permitted downtown. Fletcher believes that lodging and rooming houses are permitted by-right in the B-2 and R-3 districts and with a conditional use in the R-2 district. Petros asked if that would be mostly commercial locations. Fletcher noted that B-2 is a commercial area, however the R-2 and R-3 districts are single- and two-family residential and multi-family areas. Petros noted that it seemed to mostly be confined in the residential areas and pondered if that is the best area for lodging or rooming houses to be located. He mentioned that occupants may not have the ability to drive and the lodging and rooming houses would benefit being located close to public transportation.

Martis agreed with Petros and stated that diversity is wanted downtown and it seems as if the ordinance would be omitting something diverse.

Stranko agreed with the administration and feels that the facilities do not belong in the B-4 district.

Petro noted that the facilities are allowed with a conditional use and could be limited.

Stranko stated that he feels that there are better uses than dedicating an entire building to a lodging and rooming house in the B-4 district and said he would vote in favor of the ordinance.

Selin noted that if breaks exist in the commercial part of downtown then that could cause a disruption in the feel of the commercial area. Selin stated that bed and breakfast establishments were allowed in the downtown area and felt the Commission needs to focus on what the best policy is for downtown to have a commercial district.

Shuman stated he is in favor of the ordinance and felt that downtown needs the store fronts to help build the community and enough structures have been lost to the bars.

Stranko felt that a rooming and boarding house is contrary to the goal of foot traffic and economic development in the B-4 area.

Selin asked Fletcher if the areas allowed for lodging and room houses are located where people could walk to commercial areas. Fletcher stated that from a transit standpoint, the R-3 area is close to the downtown area which would be more prevalent to commercial areas. Fletcher mentioned that "neighborhoods" are most commonly understood to be the R-1 and R-1A Districts, and lodging and rooming houses are not permitted in those areas.

There being no further questions or comments by the Commission, Pyles opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition.

Pyles recognized Philip Michelbach of 304 Wilson Avenue who stated that he was opposed to the previous conditional use request, CU13-03 / Leech / 206 Spruce Street that was approved in February 2013. He is pleased that the Planner sees the wisdom in preventing further damage to the quality of life downtown. Michelbach noted that the Staff report uses the same argument against the lodging or rooming house in the downtown B-4 district as the writ submitted March 20, 2013 to the CU13-03 / Leech / 206 Spruce Street case. He applauds the recommendation of the Staff report but noted there are still problems. Michelbach asked why the City Attorney is fighting the writ that was submitted. He noted that either the City is in favor of lodging and rooming houses or it is not. Michelbach specified that the City is being inconsistent and asks the Planning Commission to use its influence to persuade the City Attorney to join them in opposing the lodging and rooming house in the downtown B-4 district. He feels the Staff report is an admission by the City Planner and the City of Morgantown that a mistake was made in granting the conditional use permit for 206 Spruce Street. The argument made in the Staff report directly contradicts Findings of Facts number 8 that states "most appropriate use of the land is encouraged". Michelbach requests that the writ submitted on March 20, 2013 be incorporated into the record.

Pyles recognized Bill Kawecki of 324 Cobun Avenue who felt that the best approach to this circumstance is looking at what's best for downtown. Kawecki stated that downtown is vital to

the community and it identifies Morgantown and he is in favor of the proposed amendment for lodging and rooming houses to not be allowed in the B-4 district.

There being no further public comments, Pyles declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval of TXT13-01 with the following revisions:

The Planning Division respectfully advises the Planning Commission to forward a favorable recommendation to City Council to amend Table 1331.05.01 "Permitted Land Uses" of the Planning and Zoning Code as presented below thereby removing "Lodging or Rooming House" uses as a permitted conditional use within the B-4, General Business District.

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1
Lodging or Rooming House			C	P			P	€			

Stranko moved to forward TX13-01 to City Council as recommended by Staff; seconded by Shuman. Motion carried 5-1, with Petros opposing.

E. TX13-02 / Administrative / Parking Development Standards: Administratively requested text amendments to Article 1365.09 of the Planning and Zoning Code as they relate to parking development standards.

Fletcher read the Staff report stating that the 2006 major amendment of the City's Zoning Ordinance expanded standards for parking lot designs. Attached hereto are the parking lot design requirements in place prior to the enactment of the 2006 major amendment.

After seven years of implementation, it is the opinion of the Planning Division that the following *two* elements require additional regulatory direction and design flexibility.

Parking Stall Dimensions

Prior to 2006, standard parking stalls were permitted with a minimum dimension of nine (9) feet by nineteen (19) feet and compact parking stalls were permitted with a minimum dimension of nine (9) feet by sixteen (16) feet. There was also a ratio establishing a maximum number of compact cars within a parking lot.

Currently, standard parking stalls were permitted with a minimum dimension of nine (9) feet by eighteen (18) feet and compact parking stalls were permitted with minimum a dimension of seven (7) feet by sixteen (16) feet. There is no proportion establishing a maximum number of compact cars within a parking lot.

Staff proposes to modify the size of both standard and compact parking stalls and reestablish a maximum proportion for compact stalls. Additionally, by changing the geometry of the parking stall dimensions, related refinement to angled parking and aisle dimensions becomes necessary (see Addendum A).

The critical elements of parking space dimensions are the width of the parking stall relative to the width of the vehicle and the ease of maneuvering the vehicle into and out of the parking stall.

In many cases, it is difficult to enforce whether vehicles are parked in standard or compact designed stalls. Compact cars can park in full size standard stalls. However, larger vehicles like pickup trucks and SUVs cannot readily fit into compact parking stalls. In most cases, there is a lack of enforcement in how the stalls are used resulting in the encroachment of vehicles into adjacent stalls and aisles.

Compact stalls tend to be the last stalls used and when compact vehicle drivers park their vehicles in standard size stalls, it forces later arriving standard size vehicle drivers into inadequate and inconvenient compact parking stalls. From a practical standpoint, property owners, managers, and the City do have the resources to enforce the proper use of compact parking stalls.

Standard parking stalls should be 8.5 feet in width instead of 9 feet in width while the length of the standard parking stall depth of 18 feet should not change. The following points are submitted to illustrate this recommended change:

- The 8-foot width is a commonly used dimension for standard parking stalls in zoning ordinances.
- A six-inch reduction in the standard size parking stall would still accommodate full size vehicles including pickup trucks and SUVs.
- A standard passenger vehicle would occupy 66% of an 8.5' x 18' parking stall.
- The average SUV would occupy approximately 72% of an 8.5' x 18' parking stall.

Compact parking stalls should be at least 8 feet in width instead of 7 feet in width. Additionally, the depth of a compact parking stall should be 15 feet rather than 16 feet. The following points are submitted to illustrate this recommended change:

- This minimum design specification will provide more space for compact parking stalls.
- The overall efficiency of a parking lot or parking garage will improve in terms of circulation, comfort of drivers, and a smaller risk factor for accidents and minor incidents.
- With a stall depth of 15 feet, a standard size passenger vehicle would occupy 84% of the proposed 8 foot-wide compact stall versus 96% of the current 7 foot-wide stall.

Additionally, compact parking stalls should not be used for high-turnover parking stalls. Unlike parking areas for office and residential uses which typically have assigned parking stalls and much less turnover, high-turnover stalls mean more vehicles entering and exiting spaces which in turn means a higher probability for door dings, accidents, etc. Furthermore, people with packages, groceries, shopping carts, etc. need more space to enter vehicles.

Buffer Distance between Vehicles and Buildings

Article 1365.09(B)(4)(d) provides that,

“All paved portions of all parking spaces and maneuvering aisles shall be set back a minimum of five (5) feet from any wall of a building.”

Prior to the 2006 major zoning ordinance amendment, the following related provision (see attachment) was provided:

“Along any highways, major or minor arterial street, each building or group of buildings, together with its parking or service areas, shall be physically separated by a vertical curb, maintained planting strip, or other suitable barrier to channel and direct vehicular ingress and egress, except for necessary accessways.”

It appears that prior to 2006, a design standard establishing a minimum proximity of parking spaces and aisles to buildings was not provided. In fact, “accessways” were exempt from the physical vertical separation provisions and parking stalls were not mentioned. However, the intent to protect property and vehicles is evident under the previous and current provisions.

It has recently been brought to the attention of City Administration that Article 1365.09(B)(4)(d) has not been uniformly applied during plans review and permitting by the Planning Division since the standard’s enactment in 2006.

In response, Staff reviewed this standard and determined the following.

- The current standard does not accommodate developments that include facilities like drive-through windows and stacking lanes. As such, a strict application of the standard would require such developments to obtain variance relief from this five-foot proximity standard.
- The distance of five feet from a building without a vertical barrier does not ensure that the legislative intent to protect property and vehicles will be achieved.

Given the unnecessary hardship this standard places on developments with facilities like drive-through windows, the need to strengthen design solutions to achieve desired protections, return in spirit to the standard in place prior to 2006, and the Planning Division’s oversight of applying the current standard uniformly, Staff recommends amending this standard as presented in Addendum A of this report.

Selins suggested that graphics be provided to help explain the amendment to the ordinance. She feels that the areas in parking lots are tight and is in favor to the change in ordinance.

Petros noted that there are many places that now provide charging stations for vehicles and asked if Fletcher would consider an exception to provide a smaller space close to a building that would serve as a charging station for smaller cars. Fletcher liked the idea and mentioned how the City of Morgantown recently participated in an Electrical Vehicle Charging Station located in the Morgantown Marketplace. He asked to continue the recommendation and will look into the suggestion at a later date so he can have time to research the suggestion fully.

There being no further questions or comments by the Commission, Pyles opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being none, Pyles declared the public hearing closed and asked for staff recommendations.

Fletcher stated that the Planning Division respectfully advises the Planning Commission to forward a favorable recommendation to City Council to amend 1365.09 “Parking Development Standards” as presented in Addendum A of this report (deleted matter struck through; new matter underlined) based on the following findings and conclusions.

The recommended revisions to the parking development standards in the City's Planning and Zoning Code:

- Will promote the health, safety and general welfare of the public;
- Will reduce or prevent vehicular congestion;
- Are supported by public necessity, convenience and general welfare; and,
- Are supported by sound zoning purpose and best site design practices.

Selin moved to forward TX13-02 to City Council as recommended by Staff; seconded by Stranko. Motion carried unanimously.

F. TX13-03 / Administrative / Principal Structures on a Parcel: Administratively requested text amendments to Article 1363.04 of the Planning and Zoning Code as it relates to the number of principal structures permitted on a parcel.

Fletcher read the Staff Report stating that Article 1363.04(A) provides that: "Structures on a Lot. Only one principal building and its accessory structures may be located on a lot unless development is approved as a planned unit development, or as a shopping center, office park, or research and development center as permitted in the O-I, B-5, and I-1 districts."

The recent development of townhouses and apartment buildings in the City has resulted in the resubdividing of existing parcels to fit residential development site layouts that include multiple buildings.

It appears that excluding townhouse and multi-family developments from the no-more-than one principal structure per lot or parcel provision as afforded to similar land uses and development patterns is prudent. In so doing, site designers will be able to focus on the highest and best development pattern given existing parcel geometry, site characteristics, and topographical challenges rather than how a larger site must be subdivided to achieve one principal building per lot or parcel and related internal building setback requirements.

Additionally, the current provision identifies specific zoning districts within which specific land uses are exempted from the restriction of no-more-than one principal building per lot or parcel. Where land uses can be developed is currently controlled by Table 1331.05.01 "Permitted Land Uses." Restating where land uses are permitted in Article 1363.04(A) is both not necessary and may inadvertently conflict with Table 1331.05.01 as it is amended over time.

Selin asked if there was a negative side to this amendment. Fletcher stated that he did not believe so as it will eliminate an unnecessary hardship and follows the same development pattern of campus-styled developments seen with shopping centers and office parks.

Selin indicated that it would be to our benefit to make an appealing pattern.

Fletcher stated that he does not believe it will result in an increase in development density, but rather makes better sense given the subdivision regulations preference for rectangular shaped and 90 degree angled parcels.

There being no further questions or comments by the Commission, Pyles opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being none, Pyles declared the public hearing closed and asked for staff recommendations.

The Planning Division respectfully advises the Planning Commission to forward a favorable recommendation to City Council to amend 1365.09 "Parking Development Standards" as presented below (deleted matter struck through; new matter underlined).

1363.04 SPECIAL REQUIREMENTS.

The following special requirements are established to clarify certain conditions pertaining to the use of lots and access points:

- (A) Structures on a Lot. Only one principal building and its accessory structures may be located on a lot unless development is approved as a planned unit development, ~~or as a shopping center, office park, or research and development center,~~ townhouse dwellings, or multi-family dwellings as permitted in the ~~O-1, B-5, and I-1 districts~~ Table 1331.05.01 "Permitted Land Uses.
- (B) Lot of Record. Any lot recorded or in single ownership at the time of adoption of these regulations shall be permitted to exist in its present dimension.
- (C) Permanent Outdoor Display of Goods. For nonresidential uses in nonresidential zones, a permanent outdoor display of goods shall conform to the required building setback. No display shall be permitted in any public right-of-way.
- (D) Temporary Outdoor Display of Goods. Temporary outdoor display of merchandise may encroach ten (10) feet on the required building setback. No display shall be permitted in any public right-of-way.

Stranko moved to forward TX13-03 to City Council as recommended by Staff; seconded by Petros. Motion carried unanimously.

VI. OTHER BUSINESS:

A. Committee Reports

- Traffic Commission: No report.
- Green Team: No report.

B. Staff Comments: Fletcher stated that shortly after City Council adopts the Comprehensive Plan Update, he will ask the Commission President to schedule a workshop to begin the process of prioritizing plan strategies. Fletcher thanked the Commission for their leadership and commitment in completing this process.

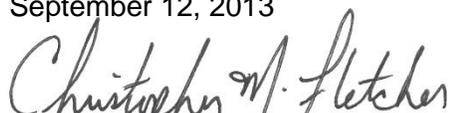
VII. FOR THE GOOD OF THE COMMISSION: None.

VIII. ADJOURNMENT: 8:30 PM

MINUTES APPROVED:

September 12, 2013

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP